Miſcellanea Parliamentaria:

CONTAINING

PRESIDENTS

1. Of Freedom from *Arreſts.*
2. Of *Cenſures.*

1. Upon ſuch as have wrote *Books* to the diſhonour of the *Lords* or *Commons*, or to alter the *Conſtitution* of the *Government.*
2. Upon *Members* for *Miſdemeanours.*
3. Upon perſons *not* Members, for *Contempts* and *Miſdemeanours.*
4. For *Miſdemeanours* in *Elections.*

Beſides other Preſidents and Orders of a various Nature, both of the Houſe of *Lords* and *Commons.*

With an APPENDIX,

Containing ſeveral Inſtances wherein the Kings of *England* have conſulted and adviſed with their *Parliaments,*

1. In *Marriages.*
2. *Peace* and *War.*
3. *Leagues.*

And other Weighty Affairs of the Kingdom.

By *William Petyt* of the *Inner-Temple*, Eſq;

London, Printed for *T. Baſſet* at the George, and *J. Wickins* at the White Hart in *Fleetſtreet.* 1680.

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CAMBRIDGE
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TO

William Williams Esq;

SPEAKER

OF THE

HONOURABLE

HOUSE

OF

Commons.

The AUTHOR

Humbly Dedicates these his

Miscellanea Parliamentaria.

THE CONTENTS.

F*Errers Caſe.* Pag. 1.

§. 1. Some few Preſidents againſt ſuch as have Wrote *Books* to the *Diſhonour* of the *Lords* and *Commons*, and the *Subverſion* of the *Government*. Pa. 12.

§. 2. Some Preſidents, wherein the *Houſe of Commons* have for Miſdemeanours turned out and diſcharged their *Members*. Pa. 90.

§. Some Preſidents for puniſhing Perſons that were *no Members*, for Contempts and Miſdemeanours. Pa. 96.

§. 4. Some Preſidents for puniſhing Miſdemeanours in *Elections*. Pa. 111.

§. 5.

§. Some *Miſcellaneous Preſidents* and *Orders*, both of the Houſe of Lords and Commons, p. 137.

An *Appendix*.

Or, A Collection of ſome few Records and Preſidents (out of many other of the like Nature) whereby it appears, That the *Kings* of *England* were pleaſed to *conſult* and *adviſe* with their *Parliaments*, *de arduis negotiis Regni*, of the weighty and difficult Affairs of the Kingdom. p. 221

THE

THE PREFACE.

I Have ſeen, ſaith *Stephen Gardiner*, (who was Dr. of Laws, *Biſhop* of *Wincheſter*, and after *Lord Chancellour* of *England*,) the *Councel* much *aſtoniſhed*, when the *King* would have *done* ſomewhat *againſt* an *Act* of *Parliament*, *It* was made then a *great matter*. The *Lord Cromwel* had once *put* in the *Kings* (our late Sovereign Lords) *Head*, to take upon Him *to have His Will and Pleaſure regarded for a Law*, for *that*, he ſaid, was to be a *very King*, and thereupon *I* was call'd for at *Hampton-Court*; and as the *Lord Cromwel* was very *Stout*; come on my *Lord* of *Wincheſter*, (quoth he,) for that *conceit* he had whatſoever he talked with me, he *knew* ever as much as I, *Greek*, or *Latine*, and all.

Apud Foxum vol. 2. col. 3. & 4

The Biſhop of *Wincheſter's* Letter to the Duke of *Somerſet*, Protector to *E. 6.*

Plutarchus *lib.* cum Principibus Philoſophos debere diſputare. Qui ſemper *corrumpunt* principes, *Reges* ac Tyrannos, nempe Delatores Criminatores, & *Adulatores*, ab omnibus exiguntur, puniunturq; ut qui non in unum Calicem lethale venenum mittant, ſed in fontem publicitus ſcatentem, & quo vident omnes uti. Quemadmodum non uno ſupplicio dignus eſt, qui fontem publicum, unde bibant omnes, *veneno* infecit ita nocentiſſimus eſt, qui principis *animum* pravis infecerit opinionibus, quæ mox in *tot* hominum *perniciem* redundent. *Nam* ſi capite plectitur, qui principis monetam vitiarit, *quanto* dignior eſt eo ſupplicio, qui *principis* ingenium corruperit.

Anſwer the *King* here, (quoth he) but ſpeak *plainly* and *directly*, and *ſhrink* not man: *Is not that* (quoth he,) *that pleaſeth the King, a Law?* Have ye not the *Civil-Law therein?* (quoth he.) *Quod principi placuit*, and ſo forth, (quoth he,) I have ſomewhat forgotten it now: I *ſtood* ſtill, and *wondered* in my *Mind*, to what *Concluſion* this ſhould tend; The *King* ſaw me muſing, and with earneſt gentleneſs ſaid, *Anſwer* him whether it be ſo or no? I would not anſwer my *Lord Cromwel*, but delivered my Speech to the *King*, and told him, *I had read indeed of Kings that had their Will always received for a Law*; but I told him the *Form* of his Reign, to *make* the *Laws* his *Will*, was more *ſure* and *quiet*, and by this Form of Government ye be *eſtabliſhed* (quoth I,) and it is agreeable with the *Nature* of your *People*; If ye begin a *new* manner of *Policy*, how it will frame no man can *tell*, and how this

Oſorius *lib.* 5. de Regis inſtitutione, Occurrit alia *adulatorum* turba prudentiæ nomine commendata qui utſe in gratiam Regum *inſinuent* illis perſuadent *eos eſſe ſupra leges (& poſt aliqua.) Nunquam* in Regnis & Civitatibus homines *ſcelerati* defuerunt, nec *hodie* deſunt qui *principis* erroribus turbulentis inficiant, quibus illi quidem annumerandi ſunt, qui *cum ſe jure conſultos exiſtimari velint* Regibus perſuadent illos omnino *ſolutos* eſſe *legibus:*

fra-

frameth ye can *tell*, and *would never adviſe your Grace to leave a certain for an uncertain*. The *King* turned his Back, and left the matter after; till the *Lord Cromwel* turn'd the *Cat* in the *Pan*, afore Company, when he was angry with me, and charged me as though I had played his part. This *Tale* is *true*, and not without *purpoſe* to be *remembred*.

So far the Biſhops Letter.

And from it, and other paſſages in Hiſtory, I *ſhall raiſe* four Obſervations.

That it was a general *Rule* and *Principle* in moſt great *Miniſters* of State; or, as the old Word was, *Minions* to *flatter* and *poiſon* Princes minds with *Abſolute* and *Deſpotical* Power; not for the Honour, or good of the Crown, for that can never be; but for their *particular* Advantages, that Themſelves might *Reign*, and be *Sovereigns* over their *Maſters*; And indeed, not only of our own Country, but of others: *Hiſtorians* are full of the ſad and woful Effects thereof in moſt Ages; which makes me frequently revolve the melancholly Contemplation of *Cardan*; *Obſerv.* 1:

Inter fures ſcurras adulatores, conſtitutus eſt princeps a furibus bona diripiuntur, a ſcurris mores corrumpuntur, &

Cardan lib. de utilitate ex adverſis capienda cap. de Principis Incommodis, p. 188.

ut quiſq; melior eſt ex aula abigitur, ab adulatoribus veritas, ſummum inter mortales bonum, ablegatur, unde miſeri principes propter has larvas, in Cimmeriis ignorantiæ tenebris perpetuo vivunt. O miſeram principum ſortem, qui nunquam norunt, quali in ſtatu res ſuæ poſitæ ſint, adeo vero aures principum emollitæ ſunt, ut ad veritatis nomen tanquam ad Nili *cataractas obſurdeſcant.*

Obſerv. 2. This *peſſima gens humani generis* always *abhorred* a *Parliament*; and the *reaſon* thereof is *demonſtrative*, becauſe they well knew they ſhould then be called to an impartial and ſtrict *account*, and be *puniſhed* according to their demerit: as *de facto* it appears, in the *Caſes* of the Lord *Cromwel*, after Earl of *Eſſex*, and the *Protector*, the *Duke* of *Somerſet*, (mentioned in the Biſhop's Letter,) that they were queſtioned in Parliament; although poſſibly the proceedings *therein againſt* them were managed with too much *Violence* and *artifice*, by the *malice* and *policy* of their *Enemies*.

And no man, in all points, can juſtifie the *acts* of all *Councels*, whether *Eccleſiaſtical* or *Civil*.

Rot. Parl. 32. *H* 8. Act 60. The Attainder of the L. *Cromwel*

The *firſt* was *attainted* of High-Treaſon, in the Parliament, 32. *H.* 8. amongſt other Crimes.

1. For

1. For *Uſurping* upon the Kingly Eſtate, Power, Authority, and Office.
2. For having the Nobles of the Realm in great diſdain, deriſion and deteſtation.
3. And further alſo, being a perſon of poor and low degree, as few were within the Realm pretended to have ſo great a ſtroke about the King, that he lett it not, to ſay, publiſh and declare,

That he was ſure of the King; which was deteſtable and to be abhorred amongſt all *good* Subjects in a *Chriſtian* Realm, that *any* Subject ſhould *enterprize* to take upon *him* ſo to ſpeak of his Sovereign, Leige, Lord, and *King*.

A dangerous Boaſt of any one Miniſter.

The *ſecond* was in the *Parliament*, 3 and 4 *E.* 6. Fined and Ranſomed amongſt other Offences.

3 Actus Parl. An 3, and 4. *E.* 6. no. 31. An Act touching the Fine and Ranſome of the Duke of *Somerſet*.

1. For *deſiring* the Rule, Authority and Government of the *King* and *Realm* by himſelf *only*, and getting the *Protectorſhip*.
2. That by his own Authority he did *ſtay* and lett *Juſtice*, and ſubverted the Laws as well by *Letters Patents*, as by his other *Commandments*.
3. He *rebuked*, *checked* and *taunted*

as well privately as openly, *divers* of the *Privy Counſel*, for ſhewing and declaring their *advices* and opinions againſt his *purpoſe* in *weighty* Affairs, telling *them* they were unworthy to *ſit* in Councel: That he *needed* not to open matters to them, and that he would be otherwiſe *adviſed* thereafter; and if they agreed not with his *Opinion*, he would put them out, and take in others at his *Pleaſure*.

4. That he had *held*, againſt the Kings *Laws*, in his own *Houſe* a *Court* of *Requeſts*, and forced divers to anſwer for their *Free-holds* and *Goods*, to the *ſubverſion* of the *Law*.

5. That he had, without *Advice* of the *Counſel*, diſpoſed of *Offices* for *Money*.

6. That he would not ſuffer *New-haven* and *Blackneſs* to be *furniſhed* with *Men* and *Victuals*, although *advertized* of their *defects*; whereby the *French* King was comforted and encouraged to invade and win them, to the diſhonour of the Realm.

7. And whereas the *Privy-Counſel* had out of their *Love* and *Zeal* for the *King* and *Realm*, conſulted at *London* to come to the *Duke*, to move him charitably to *amend*, and *reform* his

his *Doings* and *Miſ-government*; he cauſed to be declared, (by *Letters* in divers places,) the *Lords* to be *High-Traytors*, to the great diſturbance of the *Realm*; And further *declared*, That the *Lords* endeavoured to *deſtroy* the *King*, to the *intent* to make *Sedition* and *Diſcord* between the *King* and *Lords*.

8. The *Duke*, at *Hampton-Court* and *Windſor*, declared theſe *Speeches*, *The Counſel at* London *do intend to kill me*; But if I *die*, *the King ſhall die with me*; and if they *famiſh me*, they ſhall *famiſh* the *King*; and ſo conveyed the *King* ſuddenly in the *Night* to *Windſor*, whereby he got a *Diſeaſe*,

9. He *aſſembled* great *numbers* in *Arms*, and after, minding to fly to *Jerſey* or *Wales*, laid Poſt-Horſes about, and Men for the ſame *Intent*.

All which Offences and Crimes the ſaid Duke acknowledged, and ſubmitted himſelf to the King: After which paſſed the Act; That for his ſaid Offences and Crimes he ſhould forfeit a great many Manors, which the Crown had given him:

A remarkable Inſtance how Dangerous it is for one ſingle Miniſter to have a Monopoly of the King.

To bring it to the Relation made by the Biſhop, *not without purpoſe to be remembred*

membred how *dangerous* a thing it was to *break* the *Law*, or an *Act of Parliament*. The Biſhop thus further expreſſeth in the ſame Letter.

Obſerv. 3.

Apud Foxum, vol. 2d. *Stephen Gardiner* Biſhop of *Winchester*, his Letter to the D. of *Somerſet*, Protector to *E.* 6.

Now whether the *King* may command againſt an *Act* of *Parliament*, and what danger they may *fall* in that *break* a *Law* with the *King's* conſent, I *dare* ſay no man alive at this day hath had more experience with the *Judges* and *Lawyers* then *I*; Firſt I had *experience* in my old *Maſter* the *Cardinal*, who *obtained* his *Legacy* by our *late* Sovereign Lord's *requeſt* at *Rome*, and in his ſight and knowledge, occupied the ſame with his 2 *Croſſes* and *Maces* born before him *many* years; *yet* becauſe it was *againſt* the *Laws* of the *Realm*, the *Judges* concluded it the *Offence* of the *premunire*; which concluſion I bare away, and take it for a *Law* of the *Realm*, becauſe the *Lawyers* ſo ſaid, *but my* reaſon digeſted it not. The Lawyers, for *confirmation* of their doings, brought in a Caſe of the *Lord Tiptoft*, as I remember, a *jolly Civilian*; he was *Chancellor* to the *King*, who (becauſe in the *execution* of the King's *Commiſſion* he had *offended* the *Laws* of the Realm) he *ſuffered* on *Tower-Hill*,) they brought in *Examples* of

of *many* Judges that had *Fines* ſet on their *Heads* in like Caſe, for doing *againſt* the *Law of the Realm* by the *King*'s Commandment, and then was brought in the Judges *Oath*, not to *ſtay* any *Proceſs* or *Judgment* for any *Commandment* from the *King*'s Majeſty: And *one Article* againſt my *Lord* Cardinal was, That he had granted *Injunctions* to ſtay the Common-*Law*, and upon that occaſion Magna Charta was ſpoken of, and it was made a great matter, the ſtay of the Common-Law; and this I learned in that Caſe, ſithence that time being of the *Counſel*, when many *Proclamations* were deviſed againſt the Carriers out of Corn; at ſuch time as the Tranſgreſſors ſhould be puniſhed, the *Judges* would *anſwer* it might *not* be by the *Laws*; whereupon enſued the *Act* of *Proclamation*, in the paſſing of which Act many liberal Words were ſpoken, and a plain Proviſo, That by Authority of the Act for Proclamation, nothing ſhould be *made* contrary to an *Act* of *Parliament*, or *Common-Law*.

Coke 4. Inſt. fo. 89. Ld. *Herbert* Hiſt. of *H.* 8. fo.

Raſt. Stat. 31. *H.* 8. cap. 8.

When the *Biſhop* of *Exeter* and his *Chancellour* were by one *Body* brought in a *præmunire*, (which my Lord Privy-Seal cannot forget) I reaſon'd with the

Lord

Lord Audley, then *Chancellor*, ſo far, as he bad me hold my peace, for fear of entring into a *præmunire* my ſelf; whereupon I ſtayed, but concluded it ſeemed to me ſtrange, that a man authorized by the King, (as ſince the King's Majeſty hath taken upon Him the Supremacy, every Biſhop is ſuch a one,) could fall in a *præmunire*, *after I had reaſon'd the matter once in the Parliament-Houſe, where was* free Speech *without danger*, and there the Lord *Audley*, to ſatisfie me familiarly (becauſe I was in ſome ſecret eſtimation, as he then knew,) Thou art *a good fellow*, Biſhop, quoth he, (which was the manner of his familiar Speech) look the Act of Supremacy, and there the King's doings be reſtrained to ſpiritual Juriſdictious: And in another *Act* it is provided, That no ſpiritual Law ſhall have place *contrary* to a *common* Law, or *Act* of Parliament; And if this were not, (quoth he) you *Biſhops* would *enter* in with the *King*, and, by means of his *Supremacy*, order the *Laity* as *ye* liſted; but we will provide (quoth he,) that *præmunire* ſhall ever hang over your Heads, and ſo we *Lay-men* ſhall be ſure to enjoy our *Inheritance*, by the *Common* Laws, and Acts of *Parliament*.

My

My fourth Obſervation is this,

Obſerv. 4. It had been well for the *Protector* to have *remembred* the *good* and wholſom *Advice* the *Biſhop* gave him: that great Man had not *loſt* his *Head*; for being indicted in *Michaelmas*-Term, 5. *E.* 6. upon a Statute made 3 and 4 of that King, *For the puniſhment of unlawful Aſſemblies, and raiſing of the Kings Subjects:* And one of the main points in the indictment, was that *Felonice* he deſigned to *take* and *impriſon John* Earl of *Warwick*, being *one* of the *Privy-Council*; of which he was found guilty by his Peers, and after ſuffered Death thereupon.

Raſtal's 3, and 4. *E.* 6. cap 5

Coke 3. Inſt. fo. 12.

To conclude whoſe ſad Fate, I ſhall add the Preamble of an Act of Parliament, more memorable, becauſe in a *Subſidy* Act; yet common in that, and former, and ſucceeding Ages, as may appear. For inſtances, *Rot. Parl.* 4. *H.* 8. and by *Raſtals* Statutes, 35. *H.* 8. cap. 12, 27. 2, and 3. *E.* 6. cap. 26. 5. *Eliz.* cap. 27. 8. *Eliz.* cap. 18. 23. *Eliz.* cap. 15. 29. *Eliz.* cap. 8. 31. *Eliz.* cap. 15. 35. *Eliz.* cap. 13. 39. *Eliz.* cap. 27. 43. *Eliz.* cap. 18. and 3. *Jacobi*, cap. 26. wherein the State of the Kingdom, both *Eccleſiaſtical* and *Civil*,

vil, and the *Tranſactions* of *Foreig* Affairs are Hiſtorically ſet down, an taken notice of by the *Parliament* and inſerted into the Preambles of thoſ Acts.

An ACT for the Grant of a Subſidy, and two Fifteens and Tenths, granted to the King's Majeſty, by the Temporality.

Raſtals Stat. 7. *Ed.* 6. cap. 12.

WE the Kings Highneſs's moſt Faithful and Obedient Subjects, the Lords and Commons in this preſent Parliament aſſembled; Conſidering, and certainly perceiving, by divers means, the earneſt Good-will and Purpoſe that our ſaid Sovereign Lord hath to preſerve, maintain and continue Us, his Natural Subjects, in this moſt Fortunate Peace, whereunto, after many Storms and Tempeſts of the Wars, His Majeſty hath, by the Goodneſs of God reſtored Us; Do alſo, notwithſtanding his Majeſties great Care, and politick Means uſed for the recovery thereof, eaſily perceive how hard it ſhall be for His Highneſs to continue and keep us therein, during the time of

of this troubleſom ſtate of Chriſtendom, being, as it were, lamentably cut, and torn in pieces, and Factions of War, except his Highneſs be reſtored to a further Eſtate and Furniture of Treaſure, meet for the Defence of theſe His Realms, Dominions, And Subjects, and like to other Princes, having ſuch large Realms, Dominions and People; the lack and want whereof, (as we know) ſhall chiefly redound to all our Loſſes and Detriments, which muſt be defended and preſerved by the Puiſſant Power and Might of our Sovereign Lord and Head, not by the multitude of our private Riches and Strength at Home.

So alſo have We ſeen, of late years, plainly before Our Eyes, and felt in a great part of Our ſorrowful hearts, the very Principal, Chief, and firſt Cauſes of this lack, during the time of the woful miſ-governance of this Noble Realm, and other the King's Dominions, by the late Protector, Duke of Somerſet (to whom Almighty God grant his Mercy,) who firſt of his inſatiate ambition, contrary to the advices of all Wiſe and Good Councellors, having gotten into his hands the

the ſole Governance of the moſt Sacred Perſon of our Sovereign Lord, and conſequently, the Protectorſhip of all his Highneſs's Realms and Dominions, immediately to lay a fit Foundation for his unhappy and unskilful Government, brought the King's Majeſty (whom he took by pretence to Govern, being left by His Highneſs's Father, of moſt Famous Memory, in tender Years, (but yet in Peace) ſuddenly into open Hoſtility and War against two puiſſant Realms at once, conſidering neither the Ability to begin, nor means to continue them; wherein, following always his own ſingularity, by ſtirring and increaſing of new Quarrels and Cauſes of War, by unadviſed Invaſions, by deſperate Enterpriſes and Voyages, by ſumptuous, endleſs, vain Fortifications, both in Foreign Realms, and in the Seas, by bringing into the Realm of coſtly, and great numbers of Strangers, Men of War, and ſuch other innumerable vain Devices, he did not only Exhauſt, and utterly Waſte the King's Majeſtie's Treaſures and Revenues of His Crown, and of Us His Highneſs's Subjects, but alſo endangered His Majeſtie's Credit be-

yond

yond the Seas with divers strange Merchants, by taking up, and borrowing great Sums of Money, growing from time to time more and more indurable: which Gate of Misery being so wide open, We all know, and the best part of Us felt, what a heap of Calamities fell upon all the Realm immediately; Yea, and to this day what Wrecks and Memory thereof remaineth not wholly yet filled up.

First, the King's Majesties Treasure of all sorts wasted, the great substance of the Moneys melted, and alteres in base Coyn, for the serving of the Charge of these Wars, the Laws and ancient Policies of this noble Realm dissolved and unjoyned, and by Examples thereof, the whole state of Ireland endangered, with Factions and Rebellions, wherein no small Sums of Treasure were also wasted in Armies and Fortifications, part whereof remains unto this day of necessity. In the midst of all these miseries, by the suffering of the said late Protector, rose up a monstrous and dangerous Rebellion of the lewd numbers, and baser multitudes against their Heads; the withstanding and happy stay whereof, although it came through the merci-

mercifulnes of God, by the labour and fortitude of others, worthy eternal Praise, subduing the headles raging people in sundry parts of the Realm, delivering Us, the King's Majesties Natural Subjects, out of our unnatural Subjection to him that ruled Us with disorder, And finally, restoring the Royal Person of the King's Highnes to the Freedom of His Princely Estate, and consequently to an Honourable Peace with his Enemies.

Yet could not, hitherto, the great Breach and Ruine of the King's Majestie's Estate, touching his Treasure, be repaired or re-enforced; which consequently followed upon the first Foundations broken; although in other points of the decay (thanked be God) the King's Majesties own marvellous Intelligence, with the Industry of good Conncellors, hath notably supplied, and amended the defaults.

And as these former Errors brought His Majesty into utter wasts of His own Treasure and Riches into the Expences of Our Subsidies, granted for the same Wars, though nothing answerable to the Expence of the same;

Finally

Finally, into notable and immeasurable Charges beyond the Seas, Provisions of Money taken up in time of Wars; so yet, to the increase of this former sore, We remember and perceive also, that there were very great Charges left by the late King of famous Memory, by reason of his Wars, to be discharged, as well beyond Sea towards strangers, as on this side towards his own Subjects; which of their nature beyond the Seas for lack of payment did grow excessively, besides the late evident great Charge and Loss sustained by the Kings Majesty for the only Profit of His publick Weal, in the reducing of part of His Coyn from a notable baseness unto a fine Standard; by the which His Majesty lacketh a great private Gain in his Mints, being now worth no Revenue at all, but rather chargable; and the rest of which Coyn we trust He will shortly reduce to like fineness.

All which things We His Majesties Faithful, and natural Loving Subjects, weighing with Our selves, and considering divers great weighty matters hereupon depending, for the preservation of this Ancient, Noble, and Imperial Crown.

ſpetious gloſſes and *pretences* of Loyal
to the *Crown*, rather then ſuffer them
ſelves to be queſtioned and puniſhed b
Law for their Arbitrary and Illeg
Acts, *Reſolved* to *run* the hazard of, an
ſee the ruine and deſtruction both
Prince and *People*.

Out of a Paper in the hands of my good Friend Mr. *John Rawley*, a Worthy Citizen of *London*, Nephew and Executor to Dr. *Rawley*, firſt and laſt Chaplain to the L. *Bacon*.

My Lord *Bacon*, after he was *Senten*
ced in *Parliament*, meeting with Sir *L*
onel Cranfield, after Earl of *Middleſex*
whom King *James* had then newly mad
Lord Treaſurer. My Lord *Bacon*, ha
ving firſt congratulated his advance
ment to ſo Eminent a Place of Honou
and Truſt, told him, between jeſt and
earneſt, That he would *recommend* to
his *Lordſhip*, and in *him* to all *other* great
Officers of the *Crown*, one *conſiderable*
Rule to be carefully obſerved, which
was, to

My Lord *Bacons Memento*.

Remember a Parliament will come.

I do not believe that his *Lordſhip* had
the *Spirit* of *Divination*; But *certain* it is,
that two years after, in the *Parliament*
21. and 22. of that *King*, the *Commons*
Impeached the *Earl*; for what, and
what the Judgement was thereupon,
hear the Record.

Meſ-

Meſſuage ſent to the *Commons* by Mr. Serjeant *Crew*, and Mr. *Attorney General*, viz.

Ex Journali Domus Procerum, Annis 21, and 22. *Jacobi* Regis.

That the Lords are now ready to give Judgment *againſt the Lord Treaſurer, if* they, *with their* Speaker *will come, and* demand *the* ſame.

Anſwered,

They will attend preſently.

The *Lords* being all in their *Robes*, the Lord *Treaſurer* was brought to the *Bar* by the Gentleman Uſher and the Serjeant at Arms, his *Lordſhip* made low *obeyſance*, and *kneeled*, until the Lord Keeper willed him to ſtand up.

The *Commons* with their *Speaker* came and the Serjeant attendant on the Speaker preſently put down his *Mace*. The *Speaker* in their Name, to this Effect, *viz.*

The Knights, Citizens *and* Burgeſſes *in this* Parliament *aſſembled, heretofore tranſmitted unto Your*

Your Lordſhips ſeveral Offences againſt the Right Honourable Lionel *Earl of* Middleſex, *Lord High Treaſurer of* England, *for* Bribery, Extortion, Oppreſſions, and other grievous Miſdemeanours, committed by his Lordſhip.

And now the Commons, *by me their* Speaker, demand Judgment *againſt him for the* ſame.

The Lord Keeper Anſwered.

The *High-Court* of *Parliament* doth *adjudge*,

1. That *Lionel Earl* of *Middleſex*, now *Lord Treaſurer* of *England*, ſhall *loſe* all his *Offices* which he holds in this *Kingdom*; and ſhall be made for *ever* uncapable of any *Office*, Place or Imployment in the *State*, and Commonwealth.
2. And that he ſhall be *Impriſoned* in the *Tower* of *London* during the Kings pleaſure.
3. And that he ſhall *pay* unto our Sovereign Lord the King the *Fine* of 50000 *l.*
4. And that he ſhall never ſit in *Parliament* more.
5. And that he ſhall *never* come within the Verge of the *Court*.

Or-

Ordered, *That the Kings Counsel draw a Bill (and preſent the ſame to the Houſe,) to make the Lands of the Earl of* Middleſex *liable unto his* Debts, *unto the Fine to the King, unto Accompts to the King hereafter, and to* Reſtitution to ſuch whom he had wronged, *as ſhall be allowed of by the Houſe.* 14 *Maii* 1624

This Bill after paſs'd unto a Law.

So that the familiar ſaying of my Lord *Coke* is very remarkable; *That no Subject, (though never ſo Potent and Subtile,) ever confronted or juſtled with the Law of* England, *but the ſame Law in the end infallibly broke his Neck.*

THE

THE CASE OF *George Ferrers*, Esq;

IN the Lent Season, whilst the Parliament yet continued, one *George Ferrers* Gent. Servant to the *King*, being elect a *Burgess* for the Town of *Plimouth*, in the County of *Devon*, in going to the *Parliament-house* was Arrested in *London* by a Process out of the *Kings-Bench*, at the Suit of one *White*, for the sum of two hundred Marks, or thereabouts, wherein he was late aforecondemned as a Surety for the

Cromptons Jurisdiction of Courts, p. 7, 8, 9, 10, 11. 34 H. 8. An. Dom. 1542. Breach of Priviledge.

Ferrers arrested going to the Parl. house.

BIBL. CANT. ACAD.

Debt of one *Welden* of *Salisbury* which Arreſt being ſignified b Sir *Thomas Moyle* Kt. then Spea ker of the *Parliament*, and t the *Knights* and *Burgeſſes* there

The Serjeant of the Parliament ſent to the Compter for him.

order was taken that the *Serjean* of the *Parliament*, called *S.* ſhould forthwith repair to th *Compter* in *Breadſtreet*, whithe the ſaid *Ferrers* was carried, an there to demand delivery of th

And demands the Priſoner.

Priſoner. The *Serjeant*, as he had in charge, went to the *Compter* and declared to the *Clerks* there what he had in commandment

But the Officers deny him.

But they and other Officers of the City were ſo far from obeying the ſaid Commandment, as after many ſtout words, they forcibly reſiſted the ſaid *Serjeant*, whereof

And aſſault the Serjeant.

enſued a Fray within the *Compter-gates*, between the ſaid *Ferrers* and the ſaid *Officers*, not without hurt of either part; ſo that the

Breaks the Crown of the Mace, & ſtrikes down his Man.

Serjeant was driven to defend himſelf with his *Mace* of *Armes*, and had the *Crown* thereof broken

by

by bearing off a ſtroke, and his Man ſtrucken down. During this *Brawl* the Sheriffs of *London*, called *Rowland Hill* and *H. Suckley*, came thither, to whom the *Serjeant* complained of this injury, and required of them the delivery of the ſaid *Burgeſs* as afore: but they bearing with their Officers, made little account either of his *Complaint*, or of his *Meſſage*, *rejecting* the ſame *contemptuouſly*, with much proud *language*: So as the *Serjeant* was forced to return without the *Priſoner*, and finding the *Speaker* and all the *Knights* and *Burgeſſes* ſet in their places, declared unto them the whole *Cauſe* as it fell out; who took the ſame in ſo *ill part*, that *They* all together (of whom there was not a few as well of the *Kings Privy-Councel*, as alſo of his *Privy-Chamber*) would ſit no longer without their Burgeſs, but *roſe* up wholly, and repaired to the *Upper Houſe*, where the whole caſe was declared

Complains of it to the Sheriffs, and demands the Priſoner.

Who contemptuouſly reject the ſame.

The Serjeant returns and acquaints the Houſe.

Who highly reſent it.

red by the mouth of the *Speaker*, before Sir *T. Audley* Kt. then Lord Chancellor of *England*, and all the Lords and Judges there assembled; who judging the *Contempt* to be very great, *referred* the punishment thereof to the *Order* of the *Common House*. They returning to their places again, upon new debate of the Case, took order that their *Serjeant* should eftsoon repair to the Sheriffs of *London*, and require delivery of the said Burgess, without any *Writ* or *Warrant* had for the same, but only as afore. Albeit the *Lord Chancellor* offered there to grant a Writ, which they of the Common House refused, *being in a clear opinion that all Commandments and other Acts proceeding from the Nether House, were to be done and executed by their Serjeant, without Writ, only by shew of his Mace, which was his warrant.* But before the *Serjeants* return into *London*, the *Sheriffs* having in-

It was ordinary for either House, upon emergent occasions, to give an account to each other, as in the time of *R.* 2. *H.* 6. *H.* 8. *E.* 6. & Queen *Mary*, the great Officers of State, as the Chancellor, Treasurer, *&c.* went down to the House of Commons to give them particular accounts.

The Ld. Chancellor in Parliament offers the Commons a Writ to deliver their Burgess, but they refuse it, as being clear of opinion, that all their Commandments & Acts were to be done and executed by their Serjeant, without Writ.

intelligence how heinouſly the matter was taken, became ſomewhat more mild; ſo as upon the ſaid ſecond demand, they delivered the *Priſoner* without any *denial*. But the Serjeant having then further in commandment from thoſe of the *Nether Houſe*, charged the ſaid Sheriffs to *appear perſonally* on the morrow by eight of the Clock, before the *Speaker* in the *Nether Houſe*, and to bring thither the *Clerks* of the *Compter*, and ſuch other of their *Officers* as were parties to the ſaid affray; and in like manner to *take* into his cuſtody the ſaid *White*, *which wittingly procured the ſaid Arreſt, in contempt of the Priviledge of the Parliamcnt*. Which Commandment being done by the ſaid Serjeant accordingly, on the morrow the two Sheriffs, with one of the *Clerks* of the *Compter*, (which was the chief occaſion of the ſaid affray) together with the ſaid *White*, appeared in the *Com-*

The Sheriffs ordered to appear, and bring with them the Clerks of the Comprer.

And accordingly they did.

Who are charged by the Speaker.

Being not admitted to any Councel.

The Sheriffs committed to the Tower.

The Clerk to Little Eaſe, and the Serjeants to Newgate.

All at laſt delivered upon the humble ſuit of the Mayor, and other their Friends.

mon Houſe, where the *Speaker* charging them with their *Contempt* and miſdemeanour aforeſaid, they were compelled to make immediate Anſwer, without being admitted to any Councel: albeit Sir *Ro. Ch[illegible]mley*, then Recorder of *Lond[illegible]*, and other the *Councel* of the City there preſent, offered to ſpeak in the Cauſe, which were all put to ſilence, and none ſuffered to ſpeak but the parties themſelves. Whereupon in concluſion the ſaid *Sheriffs*, and the ſame *White*, were *committed* to the *Tower* of *London*, and the ſaid *Clerk* (which was the occaſion of the Fray) to a place there called *Little Eaſe*, and the Officer of *London* which did the Arreſt, called *Tailor*, with four Officers, to *Newgate*, where they remained from the 28. until the 31. of *March*, and then they were delivered, not without *humble ſuit* made by the *Mayor* of *London*, and other their Friends. And for-

foraſmuch as the ſaid *Ferrers* being in *Execution* upon a *Condemnation* of Debt, and ſet at large by *Priviledge* of *Parliament*, was not by *Law* to be brought again into *Execution*, and ſo the party without remedy for his Debt, as well againſt him, as his principal debtor; after long debate of the ſame, by the ſpace of nine or ten days together, at laſt they reſolved upon an Act of Parliament to be made, and to revive the *Execution* of the ſaid Debt againſt the ſaid *Welden*, which was principal debtor, and to diſcharge the ſaid *Ferrers*. But before this came to paſs, the *Common Houſe* was divided upon the Queſtion, but in the concluſion the Act paſſed for the ſaid *Ferrers*, who won by 14. Voices. The *King* then being advertized of all this *proceeding*, called immediately before him the *Lord Chancellor of England*, and his *Judges*, with the *Speaker* of the *Parliament*, and

The King takes notice of the proceedings.

other the *graveſt* perſons of the *Nether Houſe*, to whom he *declared* his *opinion* to this effect: Firſt *commending* their *wiſdom* in *maintaining* the *Priviledges* of their *Houſe*, (*which he would not have to be infringed in any point*, alledged that he being *Head* of the *Parliament*, and attending in his own perſon upon the Buſineſs thereof, ought in reaſon to have *Priviledge* for *Him* and all his *Servants*, attending there upon *Him*; ſo that if the ſaid *Ferrers* had been no Burgeſs, but only his Servant, that in reſpect thereof he was to have the *Priviledge* as well as any other: For I underſtand (quoth he) that you not only for your own perſons, but alſo for your neceſſary Servants, even to your Cooks and Horſekeepers, enjoy the ſaid *Priviledge*: in as much as my *Lord Chancellor* here preſent hath informed us, that he being *Speaker* of the *Parliament*, the *Cook* of the

The King in the preſence of the Chancellor & Judges, with whom he had conſulted before of this matter, commends and approves the proceedings of the Commons.

Here the King from the mouth of the Lord Chancellor, declares the ancient priviledg of the Commons, even for their menial Servants, and gives an inſtance in the Cook of the Temple.

the *Temple* was Arreſted in *London*, and in Execution upon a Statute of the Staple: And foraſmuch as the ſaid *Cook*, during the Parliament, ſerved the *Speaker* in that Office, he was taken out of Execution by the *Priviledge* of the *Parliament*. And further, we be informed by our *Judges*, that we at no time ſtand ſo highly in our *Eſtate Royal*, as in the time of *Parliament*; wherein *We* as *Head*, and *You* as *Members*, are conjoyned and knittogether into *one Body politick*: ſo as whatſoever offence or injury (during that time) is offered to the meaneſt *Members* of the *Houſe*, it is to be judged as done againſt *Our Perſon*, and the whole *Court of Parliament*: which Prerogative of the Court is ſo great (as our learned Councel informeth us) as all Acts and Proceſſes coming out of any other Inferiour Courts, muſt for the time ceaſe and give place to the Higheſt. And touching

The *King* Head, and the *Lords* and *Commons* Members of the High Court of Parliament, in which he ſtands higheſt in his Royal Eſtate.

The Court of Parliament.

Nota, All Acts and Proceſſes coming out of any inferiour Court, muſt ceaſe and give place to the Higheſt.

ing the party, it was a great *presumption* in him, knowing our Servant to be one of this House and being warned thereof before, would nevertheless prosecute this matter out of time, and therefore was well worthy to have lost his Debt, which I would not wish and therefore do commend your *Equity*, that having lost the same by *Law*, have restored him to the same against him who was his *Debtor*: and this may be a good example to others, not to attempt any thing against the *Priviledge* of this *Court*, but to take the time better. Whereupon Sir *Edward Mountague*, then Lord Ch. Justice, very gravely declar'd his opinion, confirming by divers reasons all the *King* had said, which was *assented unto* by all the residue, none speaking to the contrary. The Act indeed passed not the Higher

Sir *Edward Mountague* Chief Justice of *England*, who we cannot believe to be misconusant of the ancient proceedings in Parliament, and of the Priviledge of the House of Commons, together with the rest of the Judges, by Reasons which wanted not Authorities, confirmed what the King had said.

House,

House, for the Lords had not time to consider of it, by reason of the Dissolution of the Parliament.

Because this Case hath been diversly reported, as is commonly alledged, as a President for the Priviledge of the Parliament, I have endeavoured my self to learn the truth thereof, and to set it forth with the whole circumstances at large, according to their instructions who ought best both to know and remember it.

4. *Ed.* VI. Eight years after the Case of *Ferrers*, *Withrington* having made an Assault upon *Brandling*, Burgess for *Newcastle*; the Parl. being near an end, the Com. sent *Withring*: to the Councel. Journal Dom. Com. 4. Ed. VI.

Die Jov. 7. Apr. an. prædict. The Bill for Mr. *Brandling*'s Complaint, sent from the Lords of the *Privy Councel* again, to be ordered by this House according to the Antient Custom of this House: Whereupon the Bill was read in the presence of *Henry Witherington*, who was sent to the Lords from this place; who confest that he began the Fray upon Mr. *Brandling*: whereupon the said *Henry* is committed to the *Tower* of *London*.

Some

Some few Presidents against such as have wrote Books to the dishonour of the Lords *and* Commons, *and* Subversion *of the* Government.

The Case of Arthur Hall *Esq*;

Journ. Dom. Com. 14 Eliz. 17 Maii, Anno Dom. 1571. Misdemeanors of a Member of the House of Commons, for sundry lewd speeches as well in the House, as abroad.

UPon sundry Motions made by divers of this House; *It* was *Order'd* that *Arthur Hall* Esq; for sundry *Lewd Speeches*, used as well in this *House*, as also *abroad* elsewhere, shall have *warning* by the *Serjeant* to be here upon *Monday* next; and at the *Bar* to answer such things as He shall then and there be *charged* with. And it was further *Ordered*, that all such Persons as have noted his words, either in this House, or abroad, do forthwith assemble in the Chamber above, and put the words in writing; and afterwards deliver them to Mr. *Speaker*, to

Ordered that those who heard them, to put them in writing, and deliver them to the Speaker.

the

the end he may charge the ſaid *Hall* upon *Monday* next.

This day *Arthur Hall* Eſq; being brought by the *Serjeant* to the Bar, and charged by the Houſe with Seven ſeveral Articles, humbly ſubmitted himſelf to the Houſe, and humbly confeſſed his folly, as well touching the ſaid Articles; as alſo his other fond and unadviſed Speech at the *Bar* : And was upon the Queſtion remitted, with a good Exhortation given him by Mr. *Speaker* at large.

Mond. 19 Febr. Mr. *Hall* appears, and is cleared.

Humbly confeſſeth his folly.

And is remitted by the Houſe.

The

The Caſe of Smalley, *Servant* [to] *Mr.* Arthur Hall, *Burgeſs* [for] Grantham.

And the Caſe of Kirtleton, Hall *Schoolmaſter.*

Journal. Dom. Comm. Anno 18. *Eliz.* 16. Feb. A.D 1575. Breach of Priviledge, Confederacy, and Contempt.

MR. *Lievtenant* of the *Tow*[er], Sir *Nicholas Arnold* and Mr. *Serjeant Lovelace*, were appointed to examine the Matter touching the *Arreſt* of Mr. *Hall's* Servant, before Mr. *Speaker*, at his Chamber this Afternoon.

Friday 18. Feb.

Upon the *Queſtion*, and alſo upon the diviſion of the Houſe it was *Ordered*, that *Edward Smalley* Yeoman, Servant unto *Arthur Hall* Eſq; one of the *Burgeſſes* for *Grantham*, ſhall have *Priviledge*.

Munday 27. Feb.

After ſundry *Reaſons* and *Arguments*, it was *Reſolved*, that *Edward Smalley*, Servant unto *Arthur Hall* Eſq; ſhall be brought hither by the *Serjeant*, and *ſet* at *liberty* by the *Warrant* of the *Mace*, and *not* by *Writ*.

Smalley to be brought to the Houſe by the Mace, and not by Writ.

Edward

Edward Smalley, Servant unto *Arthur Hall* Eſq; being this day brought to the *Bar* in this Houſe by the *Serjeant* of the *Houſe*, and accompanied with two *Serjeants* of *London*, was preſently *delivered* of his *Impriſonment* and *Execution*, according to the *former Judgement* of this *Houſe*, and the ſaid *Serjeants* of *London diſcharged* of their ſaid *Priſoner*; and immediately after that the ſaid Serjeants of *London* were ſequeſtred out of this Houſe, and the ſaid *Edward Smalley* was *committed* to the Charge of the *Serjeant* of this *Houſe*; and thereupon the ſaid *Edward Smalley* was ſequeſtred, till this Houſe ſhould be reſolved upon ſome former Motions, whether the ſaid *Edward Smalley did procure himſelf to be arreſted upon the ſaid Execution, in the abuſing and contempt of this Houſe, or not.*

Tueſday 28. Feb.

Smalley brought to the Bar, was preſently delivered out of Execution.

1. Upon the *Queſtion* it was *Ordered*, that Mr. *Hall* be *ſequeſtred*

Wedneſday 7. March *poſt Meridiem.*

Mr. *Hall*, *Smalley*'s Maſter, withdraws.

ſtred the *Houſe*, while the *Matter* touching the *ſuppoſed Contempt* done to this *Houſe* be *argued* and *debated.*

Smalley adjudged guilty of a Contempt againſt the Houſe, for fraudulently procuring himſelf to be arreſted.

Edward Smalley upon the Queſtion was *adjudged guilty of the Contempt, and abuſing of this Houſe by fraudulent practice, of procuring himſelf to be arreſted upon the Execution, of his own aſſent and intention, to be diſcharged as well of his Impriſonment, as of the ſaid Execution.*

Kirtleton in confederacy with him.

Matthew Kirtleton, Schoolmaſter to Mr. *Hall*, was likewiſe upon another Queſtion adjudged guilty by this Houſe of like Contempt, and abuſing of this Houſe, in confederacy and practice with the ſaid *Smalley* in the intentions aforeſaid.

Smalley to be committed to the Tower for his Miſdemeanor and Contempt.

2. Upon another *Queſtion* it was *adjudged* by the *Houſe*, that the ſaid *Smalley* be for his *Miſdemeanor* and *Contempt committed* to the Priſon of the *Tower.*

3. Upon the like *Queſtion* it was

was also *adjudged* by this *House*, that the said *Kirtleton* Schoolmaster, be also for his *lewd Demeanor* and *Contempt* in *abusing* of this *House*, *committed* to the *Prison* of the *Tower*. The like Judgment for *Kirtleton*.

4. Upon another *Question* also it was *Resolved*, that the *Serjeant* of this *House* be commanded to bring the said *Edward Smalley*, and the said *Matthew Kirtleton*, Schoolmaster to Mr. *Hall*, into this *House*, to morrow next in the forenoon, to *hear* and *receive* their said *Judgements* accordingly. Both to be brought into the House, to receive their Judgements.

5. And further, that the Matter wherein the said *Arthur Hall* is supposed to be touched, either in the privity of the said Matter of Arrest, or in the abusing of the Committees of this House, shall be deferred to be further dealt in till to morrow. Mr. *Hall's* privity in the Matter to be referred to a further Debate.

The *Bill* against *Arthur Hall* Esq; *Edward Smalley*, and *Matthew Kirtleton* his Servant, was read the first time. Saturday 10. March.

C *Edward*

Edward Smalley, Servant unto *Arthur Hall* Eſq; *appearing* in this Houſe this day at the *Bar*, *it* was *pronounced* unto *him* by Mr. *Speaker*, and in the Name, and by the Appointment and *Order* of this *Houſe*, for execution of the former Judgement of this Houſe awarded againſt him, That he the ſaid *Edward Smalley* ſhall be forthwith committed Priſoner from this Houſe to the Tower of *London*, and there remain for one whole month next enſuing from this preſent day; and further, after the ſame month expired, until ſuch time as good and ſufficient aſſurance ſhall be had and made, for payment of one hundred pounds of good and lawful money of *England*, to be made unto *William Hewet*, *Adminiſtrator* of the Goods, Chattels and Debts of *Melchiſedeck Mallory* Gent. deceaſed, upon the firſt day of the next Term, according to the former Order in that behalf by this

The Speaker pronounced Judgement upon *Smalley*.

this Houſe made and ſet down, and alſo 40 *s.* for the *Serjeant*'s Fees; the notice of which aſſurance for the true payment of the ſaid one hundred pounds in form aforeſaid, to be certified unto *Mr. Lievtenant* of the *Tower*, by Mr. *Recorder* of *London*, before any delivery or ſetting at liberty of the ſaid *Edward Smalley*, to be in any wiſe had or made at any time after the expiration of the ſaid month as is aforeſaid, and that he ſhall not be delivered out of Priſon before ſuch notice certified, whether the ſame be before the ſaid firſt day of the next Term, or after.

The 2d. Caſe of Arther Hall *Eſq*; *a Member of Parliament.*

Saturd. 4. Feb. An. 23. *Eliz.* Journ. Dom. Com.

Mr. *Hall*'s Charge for writing a Book derogatory to the Authority, Power and State of the Commons Houſe of Parliament.

UPon a *Motion* made unto this *Houſe* by Mr. *Norton*, in which he declared that *ſome perſon* of late had cauſed a *Book* to be ſet forth in *print*, not only *greatly reproachful againſt ſome particular good Members of this Houſe of great credit, but alſo very much ſlanderous and derogatory to the general authority, power and ſtate of this Houſe, and prejudicial to the validity of the proceedings of the ſame, in making and eſtabliſhing of Laws, charging this Houſe with drunkenneſs, as accompanied in their Councels with* Bacchus; *and then alſo with Choler, as thoſe which had never ſailed to* Anticyra, *and the proceedings of this Houſe to be* Opera tenebrarum. And *further*, that by the *circumſtance* of the reſidue of the *diſcourſe* of the ſaid *Book*, he conjectured the ſame

ſame to be done and procured by Mr. *Arthur Hall*, one of this *Houſe*, and ſo *prayed* that thereupon the ſaid Mr. *Hall* might be called by this Houſe to *Anſwer*, and the matter further to be duly *examined*, as the *weight* thereof in due *conſideration* of the *gravity* and *wiſdom* of this *Houſe*, and of the *authority*, *ſtate* and *liberty* of the ſame, *requireth*. It is *Reſolved*, That the ſaid Mr. *Hall* be forthwith ſent for by the *Serjeant* at *Arms* attending upon this *Houſe*, to make his *appearance* here in that behalf accordingly.

Mr. *Hall* ordered to be ſent for by the Serjeant at Arms

And then immediately *Mr. Secretary Wilſon* did thereupon ſignifie unto this Houſe, that the ſaid Mr. *Hall* had upon his Examination therein before the *Lords* of the *Councel*, heretofore confeſſed in the hearing of the ſaid *Mr. Secretary*, that he did cauſe the ſaid *Book* to be *printed* indeed. Upon relation whereof, and after ſome ſpeech then alſo

uttered unto this Houſe by *Mr. Chancellor of the Exchequer*, of the *dangerous* and *lewd Contents* of the ſaid *Book*, the *Serjeant* was forthwith by *Order* ſent to *apprehend* the ſaid *Arthur Hall*, and was preſently aſſiſted for that purpoſe with Sir *Thomas Scot* and Sir *Thomas Brown*, by the *appointment* of this *Houſe*.

Two Knights, Members of the Houſe, to aſſiſt the Serjeant.

A *Commiſſion* was then alſo given by this whole Houſe, unto *Mr. Vice-chamberlain*, *Mr. Chancellor of the Exchequer*, *Mr. Secretary Wilſon*, *Mr. Treaſurer of the Chamber*, *Sir Henry Lee*, *Sir Thomas Cecil*, *Sir William Fitz-williams*, and *Sir Henry Gate*, to ſend for the *Printer* of the ſaid *Book*, and to *examine* him touching the ſaid *matter*, and afterwards to make *Report* thereof to this *Houſe* accordingly. And alſo to take *order* and *adviſe* further for the ſending for, and *apprehending* of the ſaid *Arthur Hall*, if it ſhould ſo fall out that he did *withdraw* him-

A Commiſſion to a Committee to ſend for the Printer, and to examine the Matter.

To report to the Houſe, and to take order for *Hall*'s Apprehenſion.

himſelf, or *depart* out of *Town* before ſuch time as the ſaid *Serjeant* could find him: with this further *Reſolution* alſo, *That any ſuch Member of this Houſe as ſhould happen firſt to ſee him, or meet him, might, and ſhould in the name of the whole Houſe ſtay him, and bring him forth to anſwer the ſaid matter forthwith before the whole Houſe, with all poſſible ſpeed.*

And if any Member ſhould ſee him, to ſtay him, and bring him to the Houſe.

Munday 6 Feb. Mr. Secretary *Wilſon* reports the Examination of *Hall*'s Caſe from the Committee.

Mr. Secretary *Wilſon* declaring the travel of the *Committees* in examining of the *Printer* that did print Mr. *Halls* Book, ſignified unto this Houſe, that the ſaid *Printer* (whoſe name is *Henry Bynnyman*) upon his *Examination* before the *Committees* ſaid, that one *John Wells* a Scrivener in *Fleetſtreet*, did deliver a *Copy* to him; and when the *Book* was *printed*, he delivered one *Book* to *Henry Shirland* in *Friday-ſtreet*, Linen-draper, to be ſent to Mr. *Hall*; and that afterwards about a year paſt, he delivered to Mr.

Hall ſix of the ſaid *Books*, and on more to Mr. *Halls* man ſhortl after; and ſaid, that Mr. *Ha* promiſed to get him a *priviledg* whereupon he adventured (h ſaith) to print the *Book*: an ſaith, that the Copy was writte by *Wells* the Scrivener, and tha he received of the ſaid *Shirlan* Linen-cloth to the value of 6 13 *s.* 4 *d.* for printing the ſai *Book*, and that he ſtaid of his ow accord the publiſhing of the ſai *Books*, till he was paid: whereas Mr. *Hall* was contented the ſhould have been put to ſale pre ſently. Which *Report* ſo made b *Mr. Treaſurer*, and withall that Mr. *Hall* and the *Printer* were both then at the door, the ſaid Mr. *Hall* was thereupon brought to the *Bar*, and being *charged* by *Mr. Speaker* in the *behalf* of the *whole Houſe*, with the ſetting forth of the ſaid *Book*, containing *very lewd and ſlanderous reproach not only againſt ſome particular Mem-*

Hall appears, and was called to the Bar, where he was charged by the Speaker with his Offence.

bers

bers of this Houſe, but alſo againſt the general Eſtate and Authority of this whole Houſe.

Hall denied not the ſetting forth of the ſaid *Book*, proteſting the ſame to be done by him without any malicious intent or meaning, either againſt the ſtate of this Houſe, or againſt any Member of the ſame; *praying* this whole Houſe (if he had offended in ſo doing) they would *remit* and *pardon* him; affirming withall very earneſtly, that he never had any more then one of the ſaid Books; and upon due conſideration had of his own *raſhneſs* and *folly* therein, willed that all the ſaid Books ſhould be ſuppreſſed. Then was Mr. *Hall* ſequeſtred.

Henry Bynnyman the *Printer* was brought to the *Bar*, who *affirmed* in all things as Mr. *Secretary Wilſon* before reported, and further that he had 80 or 100 of the ſaid *Books*; and was thereupon *ſequeſtred*.

The Printer brought to the Bar.

Henry

And *Shirland*, who was examined.

Henry Shirland was brought to the *Bar*, who there *confeſſed*, that Mr. *Hall* did write a Letter unto him, and ſent the ſaid *Book* unto him, willing him to get it *printed*; and thereupon he delivered the ſaid *Book* to *Bynnyman*, to have it *printed*, *Wells* the *Scrivener* then being preſent with him; and ſaid further, that Mr. *Hall* had paid him again the 20 Nobles which he before had paid the Printer; and ſo *he* was then *ſequeſtred*.

And *Wells*, who was alſo examined.

And the ſaid *Wells* brought to the *Bar* upon his Examination, *ſaith*, that when he was Apprentice with one Mr. *Dalton* a Scrivener in *Fleetſtreet*, the ſaid Mr. *Hall* then lying about *Paul's Wharfe*, ſent unto his ſaid Maſter to ſend one of his men unto him, and that thereupon his ſaid Maſter ſent him unto the ſaid Mr. *Hall*, who when he came, *delivered* unto him a *Book* in written-hand, willing him to carry it home with him,

him, and copy it out, and ſaid, that when he had ſhewed it to his Maſter, his Maſter commanded him to write part of it, and his fellows ſome other part of it, and his ſaid Maſter (as he remembreth) did write the reſt of it, but what his ſaid Maſter had for the writing of it, he knoweth not. And being further examined, ſaith, that yeſterday laſt paſt he delivered one of the ſaid Books to Sir *Randal Brierton*, from the ſaid Mr. *Hall*. And then the ſaid *John Wells* was *ſequeſtred*.

A Committee appointed to examine further the whole Matter.

And afterwards all the *Privy-Councel* being of this Houſe, Mr. Knight-Marſhal, Mr. Recorder of *London*, Mr. Serjeant *Flowerdew*, Mr. Serjeant *St. Leiger*, Mr. *Crumwell*, Mr. *Atkins*, the Maſter of the Jewel-houſe, Sir *Thomas Scot*, Sir *Thomas Brown*, Mr. *Nathaniel Bacon*, Mr. *Beale*, Mr. *Norton*, and Mr. *Alford*, were added to the former Committees for the further proceeding to Examination of

of the matter touching Mr. *Hall* the *Printer*, the *Scrivener*, and all other perſons, *parties* or *privy* to the *publiſhing* of the ſaid *Book* ſet forth in print by the means and procurement of the ſaid Mr. *Hall*, and to meet upon *Wedneſday* next at two of the Clock in the afternoon, in the *Exchequer Chamber*.

M. *Hall* brought to the Bar again, and committed to the Serjeant to attend the Committee.

Which done, Mr. *Hall* being brought to the *Bar* again, Mr. *Speaker* declareth unto him, that this Houſe mindeth further to examine the particularities of the matter, wherewith they have charged him, and do therefore order him to the *Serjeants* ward, with this liberty, That upon *Wedneſday* next in the afternoon, being accompanied with the *Serjeant*, he may attend at the *Exchequer Chamber* upon the Committees in the Cauſe: And was thereupon had out of the *Houſe*.

Bynnyman, *Wells*, and *Shirland*, ordered

Henry Bynnyman the Printer, *John Wells* the Scrivener, and *Henry*

Henry Shirland Linen-draper, being brought all three to the *Bar*, were by *Mr. Speaker* injoyned in the name of the whole Houſe, to give their attendance upon the ſaid *Committees* at the time and place aforeſaid, and alſo at all times in the mean ſeaſon thereof, if they ſhall happen to be called by them, or any of them: And ſo were had out of the *Houſe*. likewiſe to attend the Committee.

And further it is *Ordered* by this Houſe, That *Mr. Speaker* do ſend the Serjeant for *John Dalton*, late Maſter of the ſaid *John Wells*, and to charge him alſo to attend upon the ſaid Committees, at the ſaid time and place in like manner. *Dalton* alſo ordered to attend

Mr. Vice-Chamberlain for himſelf and the reſidue of the Committees, appointed to examine Mr. *Hall*, the Printer, the Scrivener, and all other perſons privy to the ſetting forth and publiſhing of the Book, declared, that they had charged the ſaid Mr. *Hall* with Tueſd. 14 Feb. Another Report from the Committee againſt *Hall*, of new Contempts and Crimes added to his former.

with Contempt againſt this Houſe the laſt Seſſion, in that being enjoyned by this Houſe to appear he departed out of Town, in contempt of the *Court*, and afterward teſtified the ſame his wilful Contempt, by an unſeemly Letter addreſſed by him to this Houſe, and charged him further with diverſe Articles of great importance, ſelected by the ſaid Committees out of the ſaid Book: As firſt, *with publiſhing the Conferences of this Houſe abroad in Print, and that in a Libel, with a counterfeit Name of the Author, and no Name of the Printer, and containing matter of Infamy of ſundry good particular Members of the Houſe, and of the whole State of the Houſe in general, and alſo of the Power and Authority of this Houſe; affirming, that he knew of his own knowledge, that this Houſe had* de facto *judged and proceeded untruely.*

Mr. *Hall* chargeth the Houſe with Injuſtice.

And was further charged, *That he had injuriouſly impeached the memo-*

memory of the late Speaker deceaſed; that he had impugned the Authority of this Houſe, in appointing Committees without his aſſent; and that in defacing the Credit of the Body and Members of this Houſe, he practiſed to deface the Authorities of the Laws and Proceedings in the Parliament, and ſo to impair the ancient Order, touching the government of the Realm, and Rights of this Houſe, and the form of making Laws, whereby the Subjects of the Realm are governed. Nota.

And further was charged, *That ſince his being before the Lords of the Councel for his ſaid offence, and after that he had received rebuke of them for the ſame, and had offered ſome form of a ſubmiſſion, he had eſtſoon again publiſhed the ſaid Book; and that upon his Examination in the Houſe, he had denied the having any more than one of the ſaid Books, it was yet proved he had twelve or thirteen, and ſix of them he had given away, ſince the time*

he

he was called before the ſaid Lords of the Councel.

Unto all which things, as the ſaid Mr. *Hall* could make no reaſonable anſwer or denial, ſo *Mr. Vice-chamberlain* very excellently ſetting forth the *natures* and *qualities* of the ſaid offences, in their ſeveral degrees, moved in the end that Mr. *Hall* being without at the door, might be called in to *Anſwer* unto thoſe points before the whole Houſe, and ſo thereupon to proceed to ſome end; and therewithall perſwading a due conſideration of ſpending the time as much as might be in matters of greateſt moment, wherein much leſs has been done this Seſſion, then in any other theſe many years in like quantity of time: And thereupon after divers other motions and ſpeeches had in the ſaid matter, the *Printer* was brought to the Bar, and being examined, avowed that Mr. *Hall* after that he had been before the Lords

The Printer brought to the Bar again, and re-examined.

Lords of the Councel, came to him and told him, that he had answered the matter for the Books before the Councel, and that therefore the *Printer* might deliver the said Books abroad. And also whereas the said *Printer* wished unto the said Mr. *Hall*, since his last committing, that all the said Books had been burned before he meddled with them; Mr. *Hall* should say to him again, *He would not for* 100 *l.* And then being *sequestred.*

Mr. *Hall* was brought to the *Bar*, where after some *reverence* done by him, though not yet in such *humble* and *lowly wise* as the *state* of one in that *place* to be charged and accused, *requireth*; whereof being admonished by *Mr. Speaker*, and further by him *charged* with sundry of the said parts collected out of the said *Book*, he *submitted* himself to the House, refusing to make any *answer* or *defence* at all in the matter, but

Mr. *Hall* at the Bar, and recharged by Mr. Speaker.

Submits, refuseth to answer, acknowledgeth his Error, prays pardon, and is sequestred.

but acknowledging his *Error*, prayed *pardon* of the whole House with all his heart; and that done, was *sequestred*.

Sundry motions for a proportionable punishment.

After which, upon sundry *Motions* and *Arguments* had touching the *quality* and *nature* of his *fault*, and of some proportionable forms of punishment for the same, as *Imprisonment*, *Fine*, *banishment from the fellowship of this House*, and an *utter Condemnation* and *Retractation* of the said *Book*, it

Resolved, *nemine contradicente Hall* to be committed to Prison.

was upon the *Question*, *Resolved* by the whole House without any one *Negative voice*:

1. That he should be *committed* to *Prison*.

2. And upon another *Question* likewise *Resolved*, That he should be committed to the *Prison* of

And that Prison to be the Tower

the *Tower*, as the Prison proper to this House.

3. And upon another *Question*, it was in like manner *Resolved*, That he should *remain* in the said *Prison* of the *Tower* by the space of

There to remain for six months.

6. months: 4. And

4. And ſo much longer as until himſelf ſhould willingly make a *Retractation* of the ſaid *Book*, to the ſatisfaction of this Houſe, or of ſuch *order* as this Houſe ſhall take for the ſame, during the continuance of this preſent Parliament. And from thence, till he made a retractation of his Book.

5. And upon another *Queſtion* is was alſo in like manner *Reſolved*, That a *Fine* ſhould be aſſeſſed by this Houſe to the *Queens Majeſties* uſe, upon the ſaid Mr. *Hall* for his ſaid offence. To be fined to the Queen.

6. And upon another *Queſtion* alſo it was *Reſolved* in like manner, That the ſaid *Fine* ſhould be 500 Marks. And that Fine to be 500 Marks.

7. And upon another *Queſtion* alſo it was likewiſe *Reſolved*, That the ſaid Mr. *Hall* ſhould preſently be *ſevered* and *cut off* from being a *Member* of this *Houſe* any more, during the continuance of this preſent Parliament. And that *Mr. Speaker*, by authority of this Houſe, ſhould direct a Warrant To be ſevered and cut off from being a Member of the Houſe. And the Speaker to iſſue a Warrant for a new Writ.

from this Houſe to the Clerk of the *Crown-Office* in the *Chancery*, for the awarding of the *Queens Majeſties* Writ to the Sheriff of the ſaid County of *Lincoln*, for a *new Burgeſs* to be returned into this preſent Parliament for the ſaid Burrough of *Grantham*, in the lieu and ſtead of the ſaid *Arthur Hall*, ſo as before *diſabled any longer to be a Member of this Houſe.*

His Book and ſlanderous Libel to be adjudged utterly falſe and erroneous.

8. And upon another *Queſtion* it was alſo in like manner *Reſolved*, That the ſaid *Book* and *ſcandalous Libel* ſhould, and ſhall be *holden, deemed, taken and adjudged to be utterly falſe and erronious.*

And that to be publickly teſtified and affirmed by Order of the Houſe.

And that the ſame ſhall be publickly teſtified, affirmed and ſet forth to be falſe, ſeditious and erronious, in ſuch ſort, order and degree as by this Houſe ſhall be, during this Seſſion of Parliament, further determined in that behalf,

Which done, the ſaid Mr. *Hall*

was

was brought in again to the *Bar*, unto whom *Mr. Speaker* in the name of the whole Houſe, *pronounced* the ſaid *Judgment* in form aforeſaid, and ſo the *Serjeant* was commanded to take charge of him, and convey him to the ſaid *Priſon* of the *Tower*, and to *deliver* him to *Mr. Lieutenant* of the *Tower*, by Warrant from this Houſe to be directed and ſigned by *Mr. Speaker* for that purpoſe. Which done, and the ſaid Mr. *Hall* had away by the *Serjeant*, it was *agreed* (upon a *motion* made by the *Speaker*) that the whole *courſe* and *form* of the ſaid *proceedings* and *Judgment* of this *Houſe* againſt the ſaid Mr. *Hall*, ſhould be afterwards *orderly* digeſted and ſet down in due form, to be firſt read in this Houſe, and then ſo entred by the *Clerk* as the reſidue of the *Orders* and *proceedings* of this Houſe, in other Caſes, are uſed to be done. And ſo it was afterwards drawn into *form*, *read* un-

Hall brought to the Bar to receive his Judgment, which Mr. Speaker delivered accordingly.

to the Houſe, aud entred by the *Clerk* accordingly, *in hæc verba*: (*viz.*)

The Proceedings againſt *Hall* drawn up, read and agreed to by the Houſe.

Whereas it was informed unto this Houſe, upon *Saturday* being the *fourth* day of this preſent *February*, That *Arthur Hall* of *Grantham* in the County of *Lincoln* Eſquire, had ſithence the laſt Seſſion of this *Parliament*, ſet forth in print and publiſhed a *Book*, dedicated unto Sir *Henry Knyvet* Knight, a good Member of this Houſe, without his privity, liking or allowance, in part tending greatly to the ſlander and reproach not only of Sir *Robert Bell* Knight, deceaſed, late *Speaker* of this *Parliament*, and of ſundry particular Members of this Houſe, but alſo of the proceeding of this Houſe in the ſame laſt Seſſion of Parliament, in a Cauſe that concerned the ſaid *Arthur Hall*, and one *Smalley* his man; and that there was alſo contained a long diſcourſe tending to the *diminiſh-*

ment

ment of the *ancient Authority* of this *Houſe*; and that thereupon by *Order* of this Houſe, the ſaid *Arthur Hall* was ſent for by the *Serjeant* of this Houſe, to appear on *Monday* following, which he did accordingly: whereupon being called to the *Bar*, and charged by the *Speaker* with the Information given againſt him, he *confeſſed* the making and ſetting forth thereof: whereupon the ſaid *Arthur Hall* being *ſequeſtred*, the Houſe did preſently appoint divers *Committees* to take a more particular *Examination* of the ſaid *Cauſe*, and of all ſuch as had been doers therein; which *Examination* being finiſhed by the ſaid *Committees*, they informed this Houſe that they had charged the ſaid *Arthur Hall* with *Contempt* againſt this Houſe the ſaid laſt Seſſion, in that being enjoyned by this Houſe to appear there at a time by this Houſe prefixed, departed out of the Town in *con-*

tempt of the *Court*, and afterward teſtified and aſſerted the ſame his *wilful contempt*, by an unſeemly *Letter* addreſſed by him to this Houſe; *and charged him alſo with publiſhing the Conferences of this Houſe, abroad out of the Houſe*, and that alſo in print, in manner of a Libel, with a counterfeit name of the Author, and without any name of the Printer: in which Book or Libel was contained matter of *reproach* and *infamy* to ſundry good *Members* of this Houſe in particular, and of the *whole ſtate* of the Houſe in general, *reproaching* and *embaſing* what in him lay, the *Power* and *Authority* of this Houſe; and untruly reporting the *Orders* of this Houſe, affirming amongſt other great *reproaches*, that he knew of his own knowledge that this Houſe had judged and proceeded untruly; and further charged him, that he had therein alſo injurioufly impeached the memory of the late

Speaker

Speaker deceaſed, affirming that the *Orders* of this Houſe were not by him truly delivered or ſet down, but altered and changed.

And not herewith ſatisfied, hath in ſome part thereof contained a *falſe* and *ſlanderous diſcourſe* againſt the *Antiquity* and *Authority* of the *Commons Houſe*, or *Third Eſtate* of the *Parliament*; wherein he hath *falſly* ſought, as much as in him is, to *impugn, deface, blemiſh and diminiſh the Power, Antiquity and Authority of this Houſe, and the Intereſt that it hath always, and in all ages had, to the great impeachment of the ancient order and government of this Realm, the rights of this Houſe, and the form of making Laws.*

Rot. Pat. 48 H. 3. m. 6. dorſo. *Forma pacis inter Regem & Barones.* The Articles of Peace *à Domino Rege & Domino Edwardo, Prælatis & Proceribus omnibus, &* Communitate *tota regni Angliæ communiter & concorditer approbat.* were ſealed by the Biſhops of *Lincoln* and *Ely*, Earl of *Norf.* Earl of *Oxon.* *Humphrey Bohun, William de Monte Caniſio, & Major. London. in* Parliamento *London. menſe Junii, Anno Dom.* 1264. *de* conſenſu, voluntate & præcepto *Domini Regis, necnon Prælatorum, Baronum, ac etiam* Communitatis *tunc ibidem præſentium.* And not only ſo, but that Record tells us, *Quod quædam ordinatio facta in* Parliamento *London. habito circa feſtum Nativitatis Sancti Johannis Baptiſtæ prox' præteritum, pro pace Regni conſervanda.*

And

Pultons Stat. 24 H. 8. c. 12. It is unanimously declared, adjudged and confirmed, That the *King*, his noble Progenitors, and the *Nobility* and *Commons* of the said Realm, at divers and sundry *Parliaments* as well in the time of King *E.* 1. *R.* 2. *H.* 4. and other noble Kings of this Realm, *made sundry Ordinances, Laws, Statutes and Provisions* for the entire and sure conservation of the Prerogative, Liberties and

And that since his being before the Lords of the Councel for his said offence, and after he had received rebuke of them for the same, and had offered some form of submission in that behalf, he had eftsoons again published the said *Book*; and that upon his *Examination* in this House, he had denied the having of any more then one of the said *Books*, yet it was proved he had 12. or 13. of them, and 6. of them since the time he was called before the Lords of the Councel: and that he had by his Letters given order to have - - - - of those *Books* printed, which was done accordingly; and that he had caused one of the said *Books*, sithence this Session of Parliament, to be sent to Sir *Randal Brewerton* Kt.

Preheminences of the said Imperial Crown of this Realm, and of the Jurisdiction *Spiritual* and *Temporal* of the same, to keep it from the annoyance as well from the *See* of *Rome*, as from the Authority of other Foreign Potentates, attempting the diminution and violation thereof, as often and from time to time as any such annoyance and attempt might be known or espied.

Unto

Unto all which, as the ſaid *Arthur Hall* could make no denial, or ſufficient Anſwer, ſo the ſaid Committees ſetting forth the nature and qualities of the ſaid Offences in their ſeveral degrees, moved in the end that the ſaid *Arthur Hall* might be called into the Houſe, to anſwer unto thoſe Points before the whole Houſe, and ſo thereupon to proceed to ſome ſpeedy end, perſwading therewithal a due conſideration to be had of ſpending the time as much as might be, in ſuch Matters of the Realm, for which this Parliament was chiefly called.

Ex vetuſto MS. *Statutorum penes* Johan' Peachy *de Interior' Templo Armig.* King *Edw.* 2. and the whole Parliament, in the 15. year of his Reign, when the Ordinances which had been made before that time, by certain Prelates, Earls and Barons, by the conſent of that King, *& la Comunante de la terre*, were repealed, becauſe in many things they reſtrained the Power Royal too much; yet in the Act of Repeal there is a *ſalvo ſemper jure Regni ſive Parliamenti*, for they unanimouſly agree and provide, *Mes les choſes que ſont eſtabler pur l'eſtate noſtre Seigneur le Roy & ſes heirs, & pur le ſtate du Roialme & du Peuple, ſoient tretez, accordez & eſtablez en Parlement par noſtre dit Seigneur le Roy, & par l'aſſent des Prelatz, Comtz, Barons, & tout le Commune du Roialme, auxi come ad eſtre accuſtumer ceo en arreur*; That thoſe things which are for eſtabliſhing the Eſtate of the King and his Heirs, and for the Eſtate of the Realm, and the People thereof, ſhall be *treated of, accorded* and *eſtabliſhed* in *Parliament* by the *King*, and by the *aſſent* of the Prelates, Earls, Barons, and all the *Commons* of the Realm, *as it had been accuſtomed in times paſt.*

Where-

Raſtals Stat. Anno 38 E. 3. f. 124. the Statute of Proviſors from *Rome*.

Whereupon after divers oth Motions and Speeches had in t ſaid Matter, the ſaid *Printer* w brought to the Bar, and bei examined, avowed, that *Arth Hall* after he had been before t Lords of the Councel, came t him, and told him, that he ha anſwered the Matter for the ſai Books before the Councel; an that therefore the ſaid Print might deliver the ſaid Book abroad; affirming alſo, tha whereas the ſaid *Henry Bynnyma* the Printer, ſithence this Seſſio

And to the intent that the ſaid *Ordinances* and every of the ſame, for the eaſe, quietneſs and wealth of the Commons, be the better ſuſtained, executed and kept, and that all thoſe which have offended, or ſhall offend againſt theſe Ordinances, by proſecutions, accuſations, denunciation citations, or other Proceſs, made or to be made out of the ſai Realm, or within, or otherwiſe againſt any manner of perſon of th ſaid Realm, be the more covenable, and ſpeedily brought in *anſwer*, to receive right according to their deſert. The *King*, *th Prelates, Dukes, Earls, Barons, Nobles, and other Commons, Clerk and Lay-people*, be *bound* by this preſent Ordinance to *aid*, *com fort*, and to *counſel* the *one* and the *other*, and as often as ſhall need, and by all the beſt *means* that may be made of word and of deed, to *impeach* ſuch offenders, and *reſiſt* their deeds and enterprizes, and without ſuffering them to inhabit, abide, or paſs by the Seignories, Poſſeſſions, Lands, Juriſdictions, or Places, and be *bound* to *keep* and *defend* the one and the other from all *damage*, *villainy*, and *reproof*, as they ſhould do their own *perſons*, and for their deed and buſineſs, and by ſuch manner, and as far forth as ſuch Proſecutions or Proceſs were made or attempted againſt them in eſpecial general, or in *common*.

of

of Parliament, and ſince his laſt committing, wiſhing unto the ſaid *Arthur Hall*, that all the ſaid Books had been burned before he meddled with them; that *Arthur Hall* ſhould ſay to him again, he would not ſo for 100 *l.* And then he being ſequeſtred, *Arthur Hall* was brought to the Bar, where after ſome mean reverence by him done, though not in ſuch humble and lowly wiſe, as the ſtate of one in that place to be charged and accuſed, required; whereof being admoniſhed by the Speaker, and further by him charged, as well with the ſaid parts collected out of the ſaid Book, as with other his Miſdemeanours and Contempts aforeſaid, he in ſome ſort ſubmitted himſelf to the Houſe, acknowledging in part the Matters wherewith he was charged, and in ſome other parts denied the ſame, but not making

Rot Parl. 21 R. 2. n. 27. *Pur le Pape s'accorderent touts les Prelats, Seigneurs & Communes en le Parlement.* That Pope *Urban* was true & lawful Pope, and that the Livings of all Cardinals, Rebels to Holy Father, and all others their coadjutors, fautors and adherents, and all other Enemies of the *King* and his *Realm*, ſhall be ſeized into the hands of the King, and the King to be anſwered of the profits thereof; and whoſoever ſhall procure or obtain any Proviſion or other Inſtrument from any other *Pope* then the ſaid *Urban*, ſhall be out of the *Kings Protection.*

any

Certaine Prieſts *en Angleterre avoient offend en diverſe points en temps* R. 2. *durant le* diviſion *de la* Papacy, *les fueront per Act del Parlement deprives de leur Benefices.* 21 H. 7. fo. 34.

any good defence in the Matte but acknowledging in part h Errors, imputing it for the mo part to his miſpriſion, and th in other parts the Matters we gathered otherwiſe than h meant; and thereupon he pra ed pardon of the Houſe, and th done, was ſequeſtred.

After which, upon ſundry Mo tions and Arguments had tou ching the nature and quality o his Faults, and of ſome propo tionable forms of ſuch puniſhmen for ſuch grievous Offences, i was upon the Queſtion *Reſolve* and *Ordered* by the *whole Houſ without any one negative Voic*

Rot. Parl. 2 *H.* 5. par. 2. num. 10. An Act of Parliament made 2 *H.* 5. agrees and confirms, that it was ever the liberty and freedom of the Commons of *England*, that no Statute or Law could be made, unleſs they gave thereto the aſſent; and the Reaſon was convincing and certain, which th King and his Councel, the Archbiſhops, Biſhops, Abbots, Prior Earls and Barons in Parliament, agreed to, and never in the lea queſtioned or doubted of, that the *Commons* of the Land hav *ever* been a *Member* of *Parliament*, and were as well *Aſſenters* a *Petitioners*. The Record is thus; That ſo as it hath *ever* b their *liberte* and *freedom*, that ther ſhould no *Statute*, ne *Law* be made, of *leſs* then they *yaffe* thereto there *aſſent*, conſidering that the *Common* of your Lond, the which that *is* and *ever* hath be a *Membre* of your *Parliament*, ben as well *Aſſenters* as *Petitioners*

that

that he ſhould be committed to Priſon.

And upon another Queſtion likewiſe Reſolved and Ordered, that he ſhould be committed to the Priſon of the Tower, as the Priſon uſual for Offenders to be committed unto by this Houſe.

And upon another Queſtion it was in like manner Reſolved and Ordered, that he ſhould remain in the ſaid Priſon of the Tower by the ſpace of 6 months, and ſo much longer, as until himſelf ſhould willingly make a particular Revocation or Retractation under his Hand in writing, of the ſaid

Rot. Parl. 3 *H.* 5 n. 11. *Noſtre Seigneur le* Roy *per* avys *& aſſent des* Seigneurs *&* Communes, Enact. That during the *Schiſm* at *Rome*, all *Biſhops* and other perſons of Holy *Church*, ſhall be conſecrated by the Metropolitan, upon the Kings Writ, without further excuſe or delay.

Pultons Stat, 24 H. 8. c. 12. It was enacted by Authority of Parliament, That all Archbiſhops and Biſhops of this Realm, or of any the Kings Dominions, conſecrated, and at this preſent time taken and reputed for Archbiſhops and Biſhops, may by Authority of this preſent Parliament, and not by vertue of any proviſion, or other foreign Authority, Licenſe, Faculty, or Diſpenſation, keep, enjoy and retain their Archbiſhopricks and Biſhopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and conſecrated, according to the due courſe of the Laws of this Realm; and that every Archbiſhop and Biſhop of this Realm, and of other the King's Dominions, may miniſter, uſe and exerciſe all and every thing and things, pertaining to the Office or Order of an Archbiſhop and Biſhop, with all tokens in Signs and Ceremonies thereunto lawfully belonging.

the

Errors and Slanders contained in the ſaid Book, to the ſatisfaction of this Houſe, or of ſuch Order as this Houſe ſhall take for the ſame, during the continuance of this preſent Seſſion of Parliament.

And upon another Queſtion it was alſo in like manner Reſolved and Ordered, that a Fine ſhould be aſſeſſed by this Houſe to the Queens Majeſties uſe upon the ſaid *Arthur Hall*, for his ſaid Offence.

And upon another Queſtion it was Reſolved and Ordered in like manner, that the ſaid Fine ſhould be 500 Marks.

And upon another like Queſtion it was likewiſe Reſolved and

Raſtals Stat. 25 H. 8. c. 12. It is declared both by the Lords & Commons, That your Royal Majeſty, and your Lords Spiritual and Temporal, and Commons repreſenting the whole ſtate of your Realm, in this your moſt *High Court of Parliament*, have full *power* and *authority* not only to *diſpence*, but alſo *authorize* ſome elect perſon or perſons to diſpence with thoſe and all other *Humane* Laws of this your *Realm*, and with every one of them, as the quality of the perſons and matter ſhall require; and alſo the ſaid *Laws* and every of them to abrogate, adnul, amplifie or diminiſh, as ſhall be ſeen unto your Majeſty, and the Nobles and *Commons* of your Realm, preſent in your Parliament, meet and convenient for the wealth of your Realm, as by divers good and wholeſom *Acts* of *Parliament*, made and eſtabliſhed as well in your time, as in the time of your moſt *noble Progenitors*, it may plainly and evidently *appear*.

Or-

Ordered, that the ſaid *Arthur Hall* ſhould preſently be removed, ſevered and cut off, from being any longer a Member of this Houſe, during the continuance of this preſent Parliament; and that the Speaker by Authority from this Houſe, ſhould direct a Warrant from this Houſe to the Clerk of the Crown-Office in the Chancery, for the awarding of

Pultons Stat. An. 2 & 3 E. 6. cap. 21. All Laws prohibiting Spiritual perſons to marry, who by Gods Law may marry, ſhall be void.

Be it therefore enacted by our SoveraignLord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the *Authority* of the *ſame*, that all and every Law and Laws poſitive, *Canons*, *Conſtitutions*, and *Ordinances* heretofore made by *Authority* of *Man* only, which do prohibit or forbid marriage to any Eccleſiaſtical or Spiritual perſon or perſons, of what eſtate, condition or degree they be, or by what name or names ſoever they be called, which by Gods Law may lawfully marry, in all and every Article, Branch and Sentence, concerning only the prohibition for the marriage of the perſons aforeſaid, *ſhall be utterly void and of none effect*; and that all manner of forfeitures, pains and penalties, crimes or actions, which were in the ſaid Laws contained, and of the ſame did follow, concerning the prohibition for the marriage of the perſons aforeſaid, *be clearly and utterly void, fruſtrate, and of none effect*, to all intents, conſtructions and purpoſes, as well concerning marriage heretofore made by any of the *Eccleſiaſtical* or *Spiritual perſons* aforeſaid, as alſo ſuch which hereafter ſhall be duly and lawfully had, celebrate and made, betwixt the perſons which by the Laws of God may lawfully marry.

the Queens Majesties Writ, to the Sheriff of the said County of *Lincoln*, for a new Burgess to be returned into this present Parliament,

Lastly, *Knighton* one of our best and most exactest Historians, tells posterity the ancient ends of calling Parliaments, in the Speeches made by *Tho. de Woodstock* Duke of *Gloucester*, the Kings Uncle, and *Tho. de Arundel* Bishop of *Ely*, to King *Richard* 2d. at *Eltham*, in the 12th. year of his Reign, in the name of the whole Parliament then sitting at *Westminster*, wherein the said Delegates do put that King in mind, *Quod ex antiquo Statuto & Consuetudine laudabili & approbata, &c.* (saith the Historian) That by ancient Statute and Custom laudable and approved, which no man could deny, the King may once in the year convene his Lords and Commons to his Court of Parliament, as to the highest Court of the whole Realm. [*In qua omnis equitas relucere deberet absque qualibet scrupulositate vel nota, tanquam Sol in ascensu meridiei, ubi pauperes & divites pro refrigerio tranquilitatis & pacis, & repulsione injuriarum refugium infallibile querere possent, ac etiam Errata Regni reformare, & de statu & gubernatione Regis & Regni cum sapientiori Concilio tractare, ut Inimici Regis & Regni intrinseci, & hostes extrinseci destruantur & repellantur, qualiter quoque onera incumbentia Regi & Regno levius ad Ediam Communitatis suportari poterunt.*] In which Court (say they) all equity ought to shine forth, without the least Cloud or shadow, like the Sun in his Meridian glory, where poor and rich refreshed with peace and ease of their oppressions, may always find infallible and sure refuge and succour; the grievances of the Kingdom redress'd, and the state of the King and government of the Realm debated with wiser Counsels, the Domestick and Foreign Enemies of the King and Kingdom destroyed and repelled, and to consider how the charges and burthens of both may be sustained with more ease to the people.

ment,

ment, for the ſaid Burrough of *Grantham*, in the lieu and ſtead of the ſaid *Arthur Hall*, *ſo as before diſabled any longer to be a Member of this Houſe.*

And upon another Queſtion it was alſo in like manner Reſolved and Ordered, that the ſaid Book or Libel was and ſhould be holden, deemed, and taken and adjudged, to be for ſo much as doth concern the Errors aforeſaid, condemned.

Which done, the ſaid *Arthur Hall* was brought in again to the Bar, unto whom the Speaker in the Name of the whole Houſe, pronounced the ſaid Judgement in form aforeſaid; and ſo the Serjeant commanded to take charge of him, and convey him to the ſaid Priſon of the Tower, and to deliver him to the Lievtenant of the Tower by Warrant from this Houſe, to be directed and ſigned by the ſaid Speaker for that purpoſe.

Saturday the 18. of *March*. A further Order againſt Mr. *Hall*.

Whereas by a former Order in this Houſe, *Arthur Hall* Eſq; was committed Priſoner to the *Tower* of *London*, there to remain by the ſpace of 6 months, and ſo much longer, as until himſelf ſhould willingly make a general Revocation or Retractation under his Hand in writing, of certain Errors and Slanders, contained in certain Book ſet forth in Print and publiſhed in part, greatly tending to the ſlander and reproach of Sir *Robert Bell* Kt. deceaſed, late *Speaker* of this preſent *Parliament*, and of ſundry other particular Members of this *Houſe* and alſo of the *Power*, *Antiquity* and *Authority* of this *Houſe*, to the ſatisfaction of this *Houſe*, or ſuch *Order* as this *Houſe* ſhould take for the ſame, during the continuance of this preſent *Seſſion* of *Parliament*, as by the ſame *Order* made and ſet down by this *Houſe*, upon *Tueſday* being the 14th. day of *February* foregoing,

in this present *Session* of *Parliament*, more at large doth and may appear. And where also the said *Arthur Hall* hath ever since the said *Order* taken, remained in the said *Prison* of the *Tower*, and yet still doth, and hath not at all made any *Revocation* or *Retractation* of the said *Slanders*, *Errors* and *Untruths*, to the satisfaction of the said *House*, according to the said *Order*; It is now therefore *Ordered* and *Resolved* by this *House*, that the further *allowance* of such *Revocation* or *Retractation* to be hereafter made as aforesaid, shall be *referred* unto the Right Honourable Sir *Francis Knolls* Knt. one of her *Majesties* most Honourable *Privy Councel*, and *Treasurer* of her *Highness's* most Honourable *Household*; Sir *James Croft* Knt. one other of her *Majesties* most Honourable *Privy Councel*, and *Comptroller* of her *Majesties* said most Honourable *Houshold*; Sir

Hall's Retractation to be referred to a certain Committee.

Chriſtopher Hatton Knt. one oth
of her *Highneſs*'s ſaid moſt Hono
rable *Privy Councel*, and *Vic*
Chamberlain to her *Majeſty*; S
Francis Walſingham Knt. an
Thomas Wilſon Eſq; her *Highneſ*
two principal *Secretaries*; S
Walter Mildmay Knt. one of h
Highneſs's ſaid moſt Honourab
Privy Councel, and *Chancellor* o
her *Highneſs*'s Court of *Exchequer*
and Sir *Ralph Sadler* Knt. on
other of her *Highneſs* ſaid mo
Honourable *Privy Councel*, an
Chancellor of her *Highneſs*'s Dutch
of *Lancaſter*, *being* all *Member*
of this *Houſe*, or unto any *three*
of them, to be by them or any
three of them further *Declared* and
Reported over unto this *Houſe*, in
the next *Seſſion* of *Parliament* to
be holden after the end of this
ſaid *Seſſion* accordingly.

The Committee to Report *Hall*'s Retractation at the next Seſſion of Parliament.

The

The 3d. Case of Arthur Hall *Esq;*

ON *Saturday* the 12th. day of *December*, notice being given to the *House*, of one Mr. *Hall*, a *Member* of the same, that had not attended all this *Parliament*, it was *Ordered*, that the *Serjeant* should give him warning to attend upon *Munday* next.

Anno 27 Eliz. Jour. Dom. Com. Saturday 12 December. Contempt in a Member.

The Serjeant to give warning to Mr. *Hall* tu attend the House.

The *Business* of Mr. *Arthur Hall*, of which the *House* had been informed upon their first *Meeting* this Morning, was before the rising of the *House* referred to Mr. *Wolley*, Mr. *Crumwel*, Mr. *Diggs*, and Mr. *Sands*, to peruse the *Order* touching the same, against *Munday* next, being the day *appointed* by the *House* for the said Mr. *Hall* to *appear* before them.

The 4th. Caſe touching Arthur Hall *Eſq;*

Monday the 21 November, Anno 29 Eliz. An. Dom. 1586

ON *Munday* the 21. day of *November*, (to which *day* the *Parliament* had been on *Friday* the 18th. *day* of the ſaid *Month* foregoing laſt *adjourned*)

Mr. *Markham's* Complaint againſt Mr. *Hall.*

Mr. *Markham*, a *Burgeſs* for the *Burrough* of *Grantham* in the *County* of *Lincoln*, ſhewed on the *behalf* of the *Inhabitants* of the ſaid *Burrough*, That Mr. *Arthur Hall* having been in ſome former *Parliaments* returned a *Burgeſs* for the ſaid *Burrough*, and in ſome of the ſaid *Parliaments*, for certain *Cauſes* the *Houſe* then moving, *diſabled for ever afterwards to be any Member of this Houſe at all*, hath of late brought a *Writ* againſt the *Inhabitants* of the ſaid *Burrough* for his *Wages*, (amongſt other *times*) in *attendance* at the late *Seſſion* of *Parliament* holden at *Weſtminſter*, in the 27th. *year* of

That he being for ever diſabled to be a Member of the Houſe, had notwithſtanding brought his Writ againſt the Inhabitants of *Grantham* for his Wages

of her *Highneſs*'s Reign, during which *time*, as alſo a great part of ſome other of the ſaid former *Parliaments*, he did not *ſerve* in the ſaid *Houſe*, but was for ſome *Cauſes* as aforeſaid *diſabled* to be any *Member* of this *Houſe*, and was alſo then committed *Priſoner* to the *Tower* of *London*, and ſo prayeth the *Advice* and *Order* of this *honourable Houſe* therein; unto the *Cenſure* and *Order* whereof, the ſaid *Inhabitants* do in moſt humble and dutiful wiſe ſubmit themſelves, and ſo ſhewed the ſaid *Writ*, which was then *read* by the *Clerk*; after the *reading* whereof, and ſome *Speeches* had touching the former *Proceedings* in this *Houſe* againſt the ſaid Mr. *Hall*, as well in *diſabling* him to *be* any *more* a *Member* of this *Houſe*, as alſo touching his ſaid *Impriſonment*, the *Matter* was *referred* to further *Conſideration*, after *ſearch* of the *Preſidents* and *Entries* of this *Houſe* heretofore

Who pray the advice and order of the Houſe.

had

had and *made* in the course of th
said *Cause*.

Friday the 2d. of December.

On *Friday* the 2d. *day* of *D*
cember, upon a *Motion* this *d*
renewed on the *behalf* of the *I*
habitants of the *Burrough* of *Gra*
tham, in the *County* of *Lincol*
touching a *Writ* brought again
them by *Arthur Hall* Esq; when
by he demandeth *Wages* of t
said *Inhabitants*, for his *Servi*
done for them in *attendance*
sundry *Parliaments*, being *elect*
and *returned* one of the *Burges*
of the said *Burrough* in the sa
Parliaments; For as much as it
alledged, that the said *Arth*
Hall hath been heretofore *disabl*
by this *House*, to be at any ti
afterwards a *Member* of this *Hou*
and also that in some *Sessions*
the same *Parliaments*, he h
neither been *free* of the *Corporati*
of the said *Burrough*, and in so
other also hath not given any
tendance in *Parliament* at a
It is *Ordered*, that the *Examin*
ti

tion of the ſtate of the *Cauſe* be *committed* to the *Right Honourable* Sir *Walter Mildmay* Kt. one of her *Majeſties* moſt Honourable *Privy Councel*, *Chancellor* of her *Highneſs's* Court of *Exchequer*, Sir *Ralph Sadler* Kt. one other of her *Majeſties* moſt Honourable *Privy Councel*, and *Chancellor* of her *Highneſs's* Dutchy of *Lancaſter*, *Thomas Crumwel*, *Robert Markham*, and *Robert Wroth* Eſquires; to the end, that after due *Examination* thereof by them *had*, (if it ſhall ſo ſeem good to them) they do thereupon *move* the *Lord Chancellor* on the *behalf* of this *Houſe*, to *ſtay* the *granting* out of any *Attachment* or other *Proceſs* againſt the ſaid *Inhabitants* for the ſaid *Wages*, at the *Suit* of the ſaid *Arthur Hall*, and the ſaid *Committees* alſo to *ſignifie* their *Proceedings* therein to this *Houſe*, at the next *Sitting* thereof accordingly.

Referred to a Committee.

With directions if they think good, to move the Lord Chancellor to ſtay the granting of further Proceſs againſt the Burrough.

An

An Order delivered by Mr. Crumwel, *Entred by the Conſent of the Houſe.*

Tueſday the 21. of March.

WHereas upon *Complaint* made to this *Houſe*, upon *Munday* the 21. *day* of *November*, in the firſt *Meeting* of this preſent *Parliament*, on the *behalf* of the *Burrough* of *Grantham*, in the *County* of *Lincoln*, againſt *Arthur Hall* Gent. That the ſaid *Arthur Hall* had commenced *Suit* againſt them, for *Wages* by him demanded of the ſaid *Burrough*, as one of the *Burgeſſes* of the *Parliament*, in the *Seſſions* of *Parliament* holden in the 13. 14. 18. and 23. *years* of the *Reign* of our *Sovereign Lady* the *Queens Majeſty*, wherein it was *alledged*, that the ſaid *Burrough* ought *not* to be *charged*, as well in reſpect of the *negligent attendance* of the ſaid Mr. *Hall* at the ſaid *Seſſions* of *Parliament*, and ſome other *Offences* by him *com-*

committed at ſome of the ſaid *Seſſions, as alſo in reſpect that he had made promiſe not to require any ſuch Wages.* The *Examination* of the ſaid *Cauſe*, on the 2d. *day* of *December*, in the laſt *Seſſion* of this *Parliament*, by Order of this Houſe, was committed unto Sir *Ralph Sadler* Kt. Chancellor of the Dutchy, Sir *Walter Mildmay* Kt. Chancellor of the Exchequer, *Thomas Crumwel*, *Robert Markham*, and *Robert Wroth* Eſqs. This day Report was made by the ſaid Committees, that not having time during the laſt Seſſion of Parliament, to examine the Circumſtances of the Cauſe, they had in the mean ſeaſon by their Letters advertiſed my *Lord Chancellor*, that the ſaid Cauſe was committed unto them, and humbly requeſted his Lordſhip, to ſtay the iſſuing forth of any further Proceſs againſt the ſaid Burrough, until this Seſſion of Parliament (or Meeting) which accor-

The Ld. Chancellor, at the requeſt of the Committee, ſtays further Proceſs againſt *Grantham.*

cordingly his Lordſhip had very *honourably performed*; and the ſaid Committees did further declare, that having, during this Seſſion of Parliament (or Meeting) ſent for Mr. *Hall*, declared unto him the effect of the Complaint againſt him; they had deſired him to *remit* the ſaid *Wages* which he had demanded of the ſaid Burrough, whom they found very conformable to condeſcend to ſuch their Requeſt; and that the ſaid Mr. *Hall* then alledged and affirmed unto them, that if the Citizens of the ſaid Burrough would have made ſuit unto him, he would upon ſuch their own ſuit then remitted the ſame; ſo was he very willing to do any thing which might be grateful to this Houſe, and did freely and frankly remit the ſame; which being well liked of by this Houſe, it was by them this day Ordered, that the ſame ſhould be entred accordingly.

Mr. *Hall* frankly remits his Wages to the Burrough of *Grantham.*

§. 1:

§. 1. *Mr.* Arthur Hall's *Case ſtated.*

I. *Anno* 23 *Eliz.* 1580. Mr. *Arthur Hall*, Burgeſs for *Grantham*, for writing a *Book* derogatory to the *Authority*, *Power* and *State* of the *Commons* Houſe of *Parliament*, had *Judgment*, *nemine contradicente*. Ex Journ. Dom. Com.

1. To be *impriſoned* in the *Tower* for 6 months, and from thence till he had made a *Retractation* of his *Book*. Judgment.

2. To be *ſevered* and *cut off* from being a *Member* of *that* or any *future* Parliament. The like Preſident *An.* 3 *Car.* 1. Vid. Journ. Dom. Com.

3. A *Fine* of 500 Marks to the *Queen*.

4. His *Book* and ſlanderous *Libel* adjudged utterly *falſe* and *erroneous*.

II. *Anno* 1 *Jacobi*, 1603. The *Biſhop* of *Briſtol* publiſhing a *Book*, tending to make *diviſion* and *ſtrife*, *wrong* and *diſhonour*, both Journ. Dom. Proc. & Com. The Biſhop of *Briſtol*'s Caſe.

both to the *Lower* Houſe, and th
Lords themſelves, was compla
ned of by the Commons to th
Lords.

The Earl of *Salisbury* at a Co
ference between the two Houſe
rebuked the Biſhop, *That any m
ſhould preſume to ſee more than
Parliament could* ; the Biſho
made his Recantation:

1. That he had *erred.*

2. That he was *ſorry* for it.

3. If it were to do *again*, h
would *not* do it.

4. But *proteſted*, it was do
of *ignorance* and not of *malice.*

Ex Journ. Dom. Proc. & Com. 7 *Jac.* The Caſe of Dr. *Cowell.*

III. *Anno* 7 *Jacobi*, 160
Dr. *Cowell*, Profeſſor of the *Ci*
Law at *Cambridge*, writ a Boo
called the *Interpreter*, raſhly, da
gerouſly, and perniciouſly aſſe
ting certain Heads, to the *ove
throw* and *deſtruction* of *Parli
ments*, and the *fundamental* Law
and *Government* of the *King
dom.*

H

He was complained of by the *Commons* to the *Lords*, as equally *wounded*, who reſolved to *cenſure* his *Errors* and *boldneſs*: but upon the *interpoſition* of the King, who declared *that the man had miſtaken the Fundamental Points and Conſtitutions of Parliaments*, promiſed to *condemn* the *Doctrines* of the *Book* as *abſurd*, and *him* that *maintained* the *Poſitions*, they proceeded no further.

His *Principles*, with the evident *Inferences* from them, were theſe:

1. That the King was *ſolutus à Legibus*, and not bound by his *Coronation Oath*.

2. That it was not *ex neceſſitate* that the King ſhould call a *Parliament* to make *Laws*, but might do that by his *abſolute* power; for *Voluntas Regis* (with him) was *Lex populi*.

3. That it was a *favour* to admit the *conſent* of his *Subjects*, in giving of *Subſidies*.

Men deſpiſe and reproach thoſe things whereof they are ignorant. It is a deſperate and dangerous matter for *Civilians* and *Canoniſts*, (I ſpeak what I know, and not without juſt cauſe) to write either of our *Common* Laws of *England*, which they profeſs not, or *againſt* them, which they know not. But their Pages are ſo full of *palpable Errors*, and *groſs Miſtakings* as theſe new Authors are out of our *Charity*, and their Books out of our *Judgment*, caſt away unanſwered. *Coke* lib. 10. Lectori.

4. The Doctor draws his *Arguments* from the *Imperial Laws* of the *Roman Emperors*; an Argument which may be urged with as great *reason*, and upon as good *authority*, for the *reduction* of the *state* of the *Clergy* of *England*, to the *Polity* and *Laws* in the time of those *Emperors*; as also to make the *Laws* and *Customs* of *Rome* and *Constantinople*, to be binding and obligatory to the Cities of *London* and *York*.

Blackwood's Case. *Jour. Dom. Com.*

IV. In the same *Parliament* Mr. *Hoskins* a Member of the Commons, produced several other *Treatises* containing as much as Dr. *Cowell's* Book, all sold *impune*: amongst the rest there was one *Blackwood's* Book, which concluded, That we are all Slaves by reason of the Conquest.

Nota.

Upon these *pernicious* and *false principles*, our more *modern* Authors have without *controul* published to the World, these, and many

many more *dangerous* poſitions, *againſt* the very *being* and *honour* of *Parliaments*, and *deſtructive* to the ancient *fundamental Laws*, *Priviledges*, and *Cuſtoms* of this *Realm*.

POSITIONS.

1. That originally the *Parliament* conſiſted only of ſuch as it *pleaſed* the King to *call*, none having *Right* to come elſe.

2. That *all* the *Subject* hath, is the *Kings*; and he may *lawfully* at his *pleaſure* take it from us, in *regard* he hath as much *Right* to all our *Lands* and *Goods*, as to any *Revenue* of the *Crown*.

3. That the *Saxon Kings* made *Laws* by the *advice* of the *Biſhops*, and Wiſe men, which were *no* other then the *Privy-Councel*.

4. That the *Laws*, *Ordinances*, *Letters Patents*, *Priviledges* and *Grants* of Princes, have *no force* but *during* their *life*, if they be not *ratified* by the expreſs con-

E contra Vide the ancient Rights of the *Commons* of *England* aſſerted, or a diſcourſe, proving by Records and the beſt Hiſtorians, that the *Commons* of *England* were ever an eſſential part of *Parliament*.

The Power of Kings, in particular of the Kings of *England*, learnedly aſſerted by Sir *Robert Filmer* Kt. fol. 1. Printed *An. Dom.* 1680.

ſent, or at leaſt by the *ſufferance* of the Prince *following*, who had knowledge thereof.

What then becomes of the *Peerage* of *England*? what of the *Biſhops*, *Deans*, *Prebends*, and other *dignified* Clergy? what of the *Charters* of all *Corporations*? what of *hereditary Offices*? and what of *Offices* and *Places* for *life*? and laſtly, what becomes of the *Charters* and *Priviledges* of the two moſt famous *Univerſities* of *England*, *Cambridge* and *Oxford*?

5. That *Taxes* and *Subſidies* were raiſed and paid *without* any *gift* of the *Commons*, or of any *Parliament*, in the *Saxon times*; for inſtance, *Danegelt*.

6. For it was matter of *Grace* for the King to call the *Commons* to *Parliament*. Yet afterwards the *Commons* were *called* and made a *Houſe* by the *Biſhops*, in the times of the *Barons War*, the better to *curb* them; yet were they

they *never* called to *conſult*, but only to *conſent*.

7. Yet others deny *that*, and *affirm* that the *Commons* had their firſt *birth* and *beginning* by *Rebellion*, *Anno* 49 *H.* 3. and that *too* after the Battel of *Lewes*, when the *Barons* had the *King* and Prince *Edward* in their *power* as *priſoners*, and exerciſed *Regal Authority* in his *Name*. He reigned 57. years.

8. But this is not agreed *by ſome*, for they ſay, *ab ingreſſu* of *William* the Firſt, *ad exceſſum H.* 3. they cannot find *one word* of the *Plebs* or *Commons* being any part of *Parliament*; hence *another* infers, that the *opinion* is moſt like, who think, That the *Commons* giving their *aſſent* to making of *Laws*, began about the time of *E.* 1.

9. The *Legiſlative* power is *wholly* in the *King*, for the *Statutes* of moſt *antiquity* (according to the phraſe of penning) may ſeem

to be the *meer will and pleaſure* o the *King*, aſſiſted with his *Coun cel*, neither *Lords* nor *Commons* being named: witneſs, *inter al* the Statute of *Magna Charta*, 9 *H.* 3. *&c.*

10. Nor did the *Commons* take into *conſideration* matters of *Re ligion*, which was *only* the place and function of the *Lords Spiri tual* and *Divines* to determine and *not at all appertaing* to the *Laity*: *ſemper excluſis Domini Temporalibus*, *&* *Communitat Regni.*

11. As for the *Priviledges* o the *Houſe of Commons* pretended to, there's *none* to be found *full* and *firm*, but only their being freed from *Arreſts*, and that hardly.

12. They are not *called* to be any *part* of the Common Council by the Writ of Summons.

13. Nor to conſult *de arduis Regni negotiis*, of the difficult buſineſs of the Kingdom.

14. For

14. For the *Writ* ſaith, That the King would have *conference* and *treat* with the *Great men* and *Peers*, but *not a word* of *treaty* and *conference* with the *Commons*.

15. Their *duty* being only *ad faciend. & conſentiend.* to perform and conſent to ſuch things as ſhould be *Ordained* by the Common Councel of the Kingdom.

16. Nor is there ſo much *mention* in the *Writ*, as a *power* in the *Commons* to *diſſent*. [No more is there in the *Lords Writ*, what then?]

17. Until *H.* 7's time the *Commons* were often *petitioning*, but *never* petitioned *to*, and then directed to the *Right Worſhipful Commons*.

18. That until the time of *E.* 6. (who was an *Infant*) for that I ſuppoſe was the pretended *foundation* of the *notion*, it was punctually expreſſed in every *Kings Laws*, that the *Statutes* were *made* by the *King alone*: and then there

began a *dangerous alteration* in the *phraſing* and *wording* of *Acts of Parliament*, to the *diſadvantage* of the Crown, and *invading* the Prerogative.

19. Laſtly, for it would be tedious to trouble the *Reader* with *all* their *abſurdities*, *Chimæra's*, and *falſe Inferences* and *Notions* with which they have *ſtuffed* their Books, and *imbroiled* the *Kingdom*, by *impoſing* upon the *underſtanding* of many of the *Clergy* and *Gentry* in the *Nation*; *They* boldly *aſſert*, that the *Kings Prerogative* is a *preheminence* in *caſes* of *neceſſity*, (of which he is the proper and ſole Judge) *above* and *before* the *Law* of *property* and *inheritance*.

And ſo *farewell* all *Parliaments*; and by conſequence, *farewell* all *Laws*.

It is *God* alone who *ſubſiſts* by *himſelf*; the *Right* of *Crowns* and *Kingdoms*, and *all* other things, *exiſt* in mutual *dependance* and *relation*. The *Soveraignty*, *Honours*, *Lives*,

Lives, *Liberties* and *Eſtates* of *all*, are under the *guard* of the *Law*, which when invaded by *fraud* or *wit*, or deſtroyed by *force*, a diſmal *confuſion* quickly veils the face of *Heaven*, and brings with it horrid *darkneſs*, *miſery* and *deſolation*; *Rapine*, *plunder* and *cheating*, both private and publick, will be allowed and protected; continual *Rebellions*, unjuſt *Proſcriptions*, villanous *Accuſations* and *Whippings*, illegal and laſting *Impriſonments* and *Confiſcations*, diſmal *Dungeons*, tormenting *Racks* and *Queſtions*, *Arbitrary* and *Martial Law*, *Murthers*, inhumane *Aſſaſſinations*, and baſe and ſervile *Flatteries*, multiplied by *Revenge*, *Ambition*, and inſatiable *Avarice*, will become the *Common Law* of the *Land*.

All theſe and *myriads* more will be *enacted* for *Law*, by *force* or *fraud*.

All which that wiſe King *James* well underſtood, who ſaith, That not

King *James*'s first Speech to his first Parliament in *England*. *Pulton*'s Stat. 1 *Jac.* cap. 2. fol. 1157.

not only the *Royal Prerogative* but the *Peoples Security* of Lands Livings and Priviledges, were *preserved* and *maintained* by the *ancient* fundamental *Laws*, Privi-ledges and Customs of this Realm and that *by* the *abolishing* or *alter-ing* of *them*, it was *impossible* but that present *confusion* will fall up-on the whole *state* nnd *frame* of this *Kingdom*.

King *Charles* the I. Declaration to all his loving Subjects, published with the Advice of his Privy Councel. Exact Collections of Declarations, pag. 28, 29.

And his late *Majesty* of ever blessed memory, *was* of the same *mind* and *opinion*, when he said, The *Law* is the *Inheritance* of every *Subject*, and the only *secu-rity* he can have for his *Life* or *Estate*, and the which being *neg-lected* or *dis-esteemed*, (under what specious shew soever) a great measure of *infelicity*, if not an irreparable *confusion*, must without doubt *fall* upon *them*.

But to return back.

Journ. Dom. Com. Dr. *Manwaring*'s Case.

V. *Anno* 3 Caroli *primi*, Dr. *Manwaring* was *impeached* in *Par-liament*

liament by the *Commons*, for *preaching* and *printing* ſeveral *Sermons*, with a *wicked* and *malicious* intention to *ſeduce* and *miſguide* the *Conſcience* of the *King*, touching the *obſervation* of the *Laws* and *Cuſtoms* of this *Kingdom*, and the *Rights* and *Liberties* of the *Subjects* thereof, and to *incenſe* his *Royal* Diſpleaſure *againſt* his *Subjects*, and to *ſcandalize*, *ſubvert* and *impeach* the good *Laws* and *Government* of this *Realm*, and the *Authority* of the *High* Court of *Parliament*, to *alien* his Royal *Heart from* his *People*, and to *cauſe* Jealouſies, Seditions and Diviſions in the *Kingdom*: Whereupon he had *Judgment*,

Juratores præſentant quod Richardus Empſon *nuper de* London *miles nuper Conſiliarius excellentiſſimi Principis* Henrici *nuper Regis* Angl. 17. *die* Maii *Anno Regni dicti nuper Regis* 12. *& diverſis vicibus antea & poſtea apud* London *in Parochia ſanctæ* Brigettæ *in Warda de* Farrington *extra*, *Deum præ oculis non habens, ſed ut filius diabolicus ſubtiliter imaginans honorem, dignitatem, & proſperitatem dicti nuper Regis, ac proſperitatem Regni ſui* Angliæ *minime valere, ſed ut ipſe magis ſingulares favores dicti nuper Regis adhiberet, unde magnat. fieri potuiſſet, ac totum Regnum* Angliæ, *ſecundum ejus voluntatem gubernaret falſo deceptivè & proditoriè legem* Angliæ, *ſubvertens diverſos ligeos ipſius nuper Regis, ex ſua falſa covina, & ſubtili ingenio, contra communem legem Regni* Angliæ. Anderſon's 1. *Rep. fol.* 156.

1. To

Vide Rushworth's *Collections, fo.* Judgment against the Doctor. Journ. Dom. Procerum.

1. To be *imprisoned* during *pleasure* of the *House* of *Lords.*

2. Was *fined* a 1000 *l.* to the *King.*

3. To make such *submission* and *acknowledgment* of his *Offences* in *writing*, both there and at the *Bar* of the *Commons House.*

4. *Suspended* for the term of 3 *years*, from *exercising* the *Ministry.*

5. For ever *disabled* to *preach* at *Court.*

6. That he should be for ever *disabled* to have any *Ecclesiastical Dignity*, or *Secular Office.*

7. That his said *Books* were worthy to be *burnt*; and that for the better *effecting* of that, his *Majesty* was to be *moved* to *grant* a *Proclamation* to *call* them in, to be *burnt* in *London*, and both the *Universities*, and to *prohibit* their *Reprinting.*

This was the *Judgment* of the *Lords.*

The *Doctor* made his *submission* upon

upon his *knees*, first at the *Bar* of the *House of Lords*, and after on his *knees*, at the *Bar* of the *House of Commons*: His *Submission* was this.

I do here in all sorrow of heart and true repentance, acknowledge those many Errors and Indiscretions which I have committed, in preaching and publishing those two Sermons of mine I call Religion and Allegiance, *and my great fault in falling upon this Theam again, and handling the same rashly, scandalously and unadvisedly, in mine own Parish-Church in* St. Giles in the Fields, *the 4th. of* May *last past; I do humbly acknowledge those three Sermons of mine, to be full of many dangerous passages and inferences, and scandalous aspersions, in most parts of the same.*

The Doctor's Submission.

And I do humbly acknowledge the Justice of this Honourable House, in that Sentence and Judgment pass'd upon me for my great offence;

Ex Agupeto *Diacono.* Assentatores à Regibus tanquam pestis vitandi 12. nam non utilia consulunt, sed quæ placent 22. 31. sic *Diogenes* rogatus quænam bellua pernicioſiſſime morderet ex feris inquit obtrectator ex cicuribus vero adulator.

offence; and I do from the bott
of my heart crave pardon of G
the King, this Honourable Ho
the Church, and the Commonwe
in general, and thoſe worthy P
ſons reflected upon by me in parti
lar, for theſe great Errors and O
fences. Roger Manwari

The Lords order the Biſhop of *London* to ſuſpend the Doctor.

After all which, the Lords o dered the Biſhop of *London* ſuſpend him, according to t Clauſe expreſſed in the part of t Judgment againſt him.

The *Doctor* after got a P *don*, and was made a *Biſho* which occaſioned great *Diſtu bances* in the *Houſe* of *Commo* in 4 *Car.* 1.

The Charge *and* Articles *again the* Doctor, drawn *out of h* own *Books.*

Article I.

1. That his *Majeſty* is n bound to *keep* and *obſerve* th *go*

good Laws and *Cuſtoms* of the *Realm*, concerning the *Right* and *Liberty* of the *Subject*, to be *exempted* from *all* Loans, Taxes, and other Aids laid upon them, without *common* Conſent in *Parliament*.

2. That his *Majeſties* Will and *command* in *impoſing* any *charges* upon his *Subjects*, without ſuch *conſent*, doth *ſo* far *bind* them in their *conſciences*, that *they* cannot *refuſe* the *ſame* without peril of *eternal* damnation.

Article II.

1. That theſe *Refuſers* had offended *againſt* the *Law* of *God*.

2. Againſt the *Supreme* Authority.

3. By ſo *doing* were become *guilty* of *impiety*, *diſloyalty*, *rebellion*, *diſobedience*, and *liable* to many *other* Taxes.

Article III.

1. That *Authority* of *Parliament* is not *neceſſary* for the *raiſing* of *Aids* and *Subſidies*.

2. That

2. That the *ſlow* proceedings of *ſuch* Aſſemblies, are *not* fit to ſupply the *urgent* neceſſity of the *State.*

3. That *Parliaments* are *apt* to produce *ſundry* impediments to the *juſt* deſigns of *Princes*, and to give them *occaſion* of *diſpleaſure* and *diſcontent.*

It was a ſaying of *Themiſtius* in his Conſular Oration to *Jovinian* the Emperor, that *Some Biſhops did not* worſhip *God, but the Imperial* purple.

This *Dr. as I ſaid before*, after this ſo ſolemn a *Judgment*, did in the time of Prorogation, between 3 & 4 *Car.* 1. get a *Pardon*, and not only ſo, but the *Biſhoprick* of St. *Davids*; which occaſioned great *debates* and *diſturbances* in the *Parliament* when they re-aſſembled again, the *power* and *validity* of his *Pardon* being brought in *queſtion*, and ſeveral times *argued:* but the diſſolution of the *Parliament* put an end to the diſpute for that time. But

But in the Parliament before the Long Parliament of 1640. the *Lords* highly reſented it, as may appear by following proceedings.

This day was read the *Declaration* of the *Houſe of Commons* made *tertio* Caroli *Regis*, againſt Dr. *Manwaring*, ſince Lord Biſhop of St. *Davids*, and likewiſe the *Sentence* pronounced againſt him by the *Lords Spiritual* and *Temporal* in the High Court of *Parliament*, which is committed to the conſideration of the *Lords* of the *Grand Committee* for Priviledges; and it was *moved*, that what can be alledged on the Lord Biſhop of St. *Davids* part, either by *Pardon*, *Licenſe*, or *otherwiſe*, that it may be *produced* and *ſeen* at the ſitting of the *Lords Committees*, for their full and clear underſtanding, and better expedition in the buſineſs. Journ. Dom. Proc. die Sabbathi, 18 die *April.* 16 *Car.* 1

Having taken into conſideration the buſineſs concerning Dr. *Manwaring*, it was *ordered*, that 21 April. 1640.

upon *Munday* next the *Record* be brought into the Houſe, th the *Houſe may determine the Cau touching Dr.* Manwaring.

The buſineſs appointed this da 27 April. 1640 concerning Dr. *Manwaring*, is re ferred until to morrow morning *viz.* 28 *Aprilis.*

The *Lord Keeper* by *comman* 28 April 1640. from his *Majeſty* was to let the Lordſhips *know*, that his *Majeſ* had *underſtood* that there wa ſome *queſtion* concerning Docto *Manwaring* now Biſhop of Sain *Davids*, and *that his Majeſty ha given command that the ſaid Dr* Manwaring *ſhall not come and ſ in Parliament, nor ſend any Prox to the Parliament:* thereupon i was ordered to be *entred* ſo.

And between that and the nex Parl. as I am informed, he died.

VI. *Anno 3 Caroli primi*, Dr. *Mountague* was complained of in Journ. Dom. Com. 3 *Car.* 1. Dr. *Mountague's* Caſe. the *Houſe* of *Commons*, for *writing* and *publiſhing* ſeveral *Tenents* tend-

tending to * *Arminianiſm* and *Popery, and that he had committed a contempt againſt the Houſe.*

* Heli *the Prieſt, who teaching from without,*
Corrupted Faith, bound under Laws of might,
Not feeling God, but blowing him about,
In every ſhape and likeneſs but the right.

* The *Dr.* Writ and Publiſhed ſeveral *Tenents*, tending to *Arminianiſm* and *Popery*.

* Lord *Brook* (friend to Sir *Phillip Sidney*) in his *Alaham.*

We are to deſire to conform our ſelves to former *Parliaments*; this *Cauſe* began here, 21. *Jac.* and then it was commended to the *Archbiſhop*; But after it was ſo far from *cure*, that another *Book* of *Appeal* came out, and the *Parliament*, 1 *Caroli* ſent to the *Archbiſhop* to know what he had done; who ſaid he had given *Mountague Admonition*, and yet he *Printed* that *ſecond Book* without his *conſent*, and ſo it was then debated; *and the Houſe Voted that he had done a contempt to the Houſe of Commons, and that it diſturbed the Church and Commonwealth.*

Had done a contempt to the *Commons* and diſturbed the *Nation*, 1 *Car.* Voted.

Since that they find that *Book* was countenanced, and defended by *Biſhops*, and others.

2 *Car.* reſolved by that Parliament that he had Sowen *Sedition.*

At the laſt *Parliament* the *Houſe*

And endeavoured to reconcile us to *Rome*.

again took it into *consideration* and *Voted* that *Mountague* ha[d] *sowed Sedition*, *and Endeavoured to Reconcile us to* Rome.

Articles against *Mountague*.

Now it was thought good tha[t] an addition ſhould be made t[o] the *Articles* againſt *Richar[d] Mountague* Clerk.

Firſt, That he about 21. *Ja[c.] Printed* a *Book* called a *Gag fo[r] the Puritan*, and about the 2[1] *Jac.* the *Treaty of the Invocatio[n] of Saints*, and 1 *Caroli*, an *Ap[-] peal to Cæſar*, in every of whic[h] he affirmed divers Opinions, co[n]trary to the *Articles* of *Religio[n]* and by his ſo doing, hath *brok[en]* the *Laws*, and *diſturbed* the *Peac[e]* of the *Church*.

He ſaid that the *Church* o[f] *Rome*, had ever remained *firm* in their *Doctrine*, and that the *Sa-crifice* of *Maſſes*, *&c.*

And alſo that *contrary* to his *Duty* and *Allegiance*, under the name of *Puritans*, he had laid vile *Aſperſions* on divers conform-able Perſons. And

And alſo he *labours* to *draw* Men to *Popery*, by *ſubtile* and *ſecret ways*.

His *Appeal* hath *divers* paſſages that are *contumelious* to his Majeſties *Father* King *James*, and to divers Worthy and Learned Divines.

For all which the *Commons* Pray he may be *Puniſhed*, for thus *diſturbing* the *Peace* of the *Church* and *State*.

Two cautions are obſerved; firſt, we meddle not with Inferences and Collections, but with immediate contradictions to the *Articles* of Religion, and the *Book* of *Homilies*; alſo he is not charged with *opinions* contrary to the *Divines* of *England*.

He recites the *Articles* as if we may depart away from grace the word (away) is not in the *Articles*.

Alſo the *Articles* do not ſay that Men juſtified may fall away from that State; As for the *Ho-*

milies, for the word (*away*) h
puts in *fall away*.

Alſo he ſeems to make *differen*
between the *Church* in *forei*
Parts, and the *Church* of *En*
land.

As for his charge of *Sedition*
it is clear by *dividing* the King
dom under the name of *Puritan*
labouring to bring his *Majeſty* i
jealouſie with his *Subjects*, and t
ſtir up *others* in hatred againſ
ſuch.

Firſt, he lays the name of *Pu*
ritans upon the Kings Subject
that are dutiful and honeſt Sub
jects. In truth at the firſt th
word was given to them that ſe
vered themſelves from the *Church*
but he ſays there are *Puritans* i
heart, and *Puritans* in *Doctrine*
as of *Predeſtination* and *Repro*
bation.

Alſo this diviſion and aſper
ſion is *new*, and under this *name*
he comprehends ſome of our
Biſhops.

Alſo

Alſo he labours to bring *thoſe* perſons into diſlike with his Majeſty, as *dangerous* perſons; he ſays they are a *potent* Faction, that *Authority* is a *mote* in their *eye*, and they are *cunning* and *active* men. And he concludes, *Domine Imperator defende me gladio, & ego te defendam calamo.*

Alſo he labours to bring them in *ſcorn*; in his *Appeal*, they hold the *Croſs* of *Chriſt* in as great deſpite as *Julian.*

Alſo he withdraws the *Subjects* from their *Religion* to *Popery*, and he introduceth thoſe miſchiefs that the *Law* ſeeks to prevent. By the Law 1 *Eliz.* and other *Statutes*, it is *Treaſon* to *withdraw* any from the *Religion* eſtabliſhed; but he *cunningly* infuſeth Popery.

He ſaith, the *points* of *Controverſie* between *Us* and the *Papiſts*, are *Arbitrary*, and that we and they *aſſent* in ſome *Opinions*, as in the point of *Free-will*; that their *Opinions* and ours are all *one*;

and for the *point* of *real Preſenc*
for which ſo many have *ſuffere*
death, *he* ſaith, that they *jang*
without *cauſe*.

Alſo it was deſired, that thoſe
Abſurdities and *Conſequences* w
lay upon the *Papiſts*, for the poin
of *Free-will*, may be *ſpared*, an
that *they* are *Bugbears*, &c.

And for *converting* men to *P*
pery, he ſpeaks favourably of th
Pope; that *he* is the *firſt* an
greateſt Biſhop, and fit to *deter*
mine Controverſies; and that th
Pope is not Antichriſt, he ſpend
a whole Chapter in that; and
that the *Romiſh* Church is part of
the *Catholick* Church, *we* mention
in our Creed; and for Popiſh
Ceremonies, he commends and
approves *Pictures* in *Churches*;
and ſo for the *Croſs* he ſaith, *Can*
ſignetur ut anima.

Alſo he labours to reconcile
Papiſts and *Us*; whereas if we
offer *Compoſition*, we *loſe* or part
with *ſomewhat*. Alſo *he* lays

Scan-

Scandals on *us*, and our *Doctrine*, that there is no *certainty* in our *points* of difference, and that our *Divines* themſelves *differ*.

Alſo he favours thoſe Practices that have been uſed by the King's Enemies: A *Spaniard* ſaith, Nothing is better for the ruine of the *Engliſh*, than to *eſtabliſh* a *Faction* amongſt *them*, which he labours to effect. *Campanella* de Monar. *Hiſpan.*

His Tenents *Diſhonourable* to K. *James*, who was diligent to prevent *Arminianiſm*; *now* he *labours* to *diſcredit* the *Synod* at *Dort*. Alſo K. *James* in his *learned* Works proves the *Pope* to be *Antichriſt*; but *Mountague* ſaid, he never had a *probable* Argument thereof.

Alſo he puts *Diſgraces* on *Proteſtant* Divines, that *Calvin*, *Perkins*, and *Beza*, are *Dictators*; and that *Beza* doth Puritanize; and Dr. *Whitacre*, that he was a man of their ſide.

His *prophaneneſs* in ſpeaking of *Preach-*

Preaching, and other *Exercises* of *Religion*; in preaching in *Pulpits* they brawl, *&c.* and Conferences after Sermons, he calls them *Prophetical* Determinations, and to chew the Cud as after Lectures, *Bible*-bearers, *&c.*

It was *Ordered*, That the *Articles* be presented to the *Lords*, and that *Mountague* be *transmitted* to the *Lords*.

After which, the *Parliament* was *Prorogued* to the 4th. *year* of that *King's* Reign, where the *Commons* were upon him again, and *questioned* a *Pardon* he had *got* in the time of *Prorogation*; but shortly after the *Parliament* was dissolved.

§. 2. *Some Presidents wherein the House of Commons have for misdemeanors turned out and discharged their Members.*

Jour. Dom. Com. Anno 27 Eliz. Dr. *Parry's* Case.

I. ANno 27 *Eliz.* Dr. *Parry* for several *misdemeanors* and *crimes*,

crimes, was *disabled* to *be* any longer a *Member* in the *House*.

II. *An.* 18 *Jac.* Sir *Giles Mompesſon* for being a *Monopoliſt*, and for *other* great and *inſufferable crimes* by him committed, to the *abuſe* of his *Majeſty*, and grievous oppreſſion of the *Subjects*, was

Journ. Dom. Com. 18 Jac. Sir *Giles Mompeſſon's* Caſe.

1. Turned out of the *House*.

2. Committed to the *Tower*.

And after *Impeached* before the *Lords*, who gave *Judgment* upon him:

1. To be *degraded* of the Order of *Knighthood*.

Journ. Dom. Proc. 18 Jac. The Lords Judgment againſt him.

2. To ſtand *perpetually* in the *degree* of a perſon *Outlawed* for *Miſdemeanors* and *Treſpaſſes*.

3. His *Teſtimony* never to be *received* in any *Court*, nor to *be* of any *Inquiſition* or *Jury*.

4. To be *excepted* out of *all* general *pardons*.

5. That he ſhould be *impriſoned* during his *life*.

6. Not to *approach* within 12. miles

miles of the *Courts* of the *King* or *Prince*, nor at the *Kings* high Court usually held at *Westminster*.

7. That the *King* should have the *profits* of his *Land* for *life*, and all his *Goods* and *Chattels*, and should be *Fined* at 10000 *l.*

8. He was also *disabled* to *hold* or *receive* any *Office* under the *King*, or for the *Commonwealth*.

9. And lastly, *ever* to be *held* an *Infamous* person.

III. And in the *Parliament* 19 *Jacobi*, Sir *John Bennet* Knight one of the *Members* of the *House*, having been *accused* for *Corruption*, in *receiving* divers * *Bribes* in

Journ. Dom. Com. 19 *Jac.* Sir *John Bennet*'s Case.

Illos extollimus, qui fraudibus ac dolis divites facti sunt, eos patres legum, Justitiæ fontes, sapientiæq; thesauros appellantes, O inconcussa Dei justitia, quamdiu hæc pateris? ab horum igitur scholis, in quibus non sat scio an de veritatis inventione, an potius de lucri spe major sit disceptatio, prodeunt Judices, Præsides, atq; Ministri, manibus tenacibus, oculis impudicis, effrenata libidine, lapideis cordibus, ficta gravitate, lingua melliflua, sed dentibus virulentis, & breviter auri insatiabili fame. Cardan. libro de utilitate ex adversis capienda. Cap. de Temporum & Magistratuum pravitate, p. 649.

the

the *execution* of his *judicial* place of *Judge* of the *Prerogative* Court of *Canterbury*: All which was proved to the full ſatisfaction of the Houſe.

Ordered by the *Commons Houſe* of Parliament,

1. That a *Warrant* ſhould iſſue under Mr. *Speakers* hand, directed to the *Sheriffs* of *London* and *Middleſex*, for the ſafe *keeping* of the ſaid Sir *John Bennet*, until they ſhall *receive* other directions from the *Lords*; to whom the *Commons* had reſolved to *prefer* an *Impeachment* againſt *him*.

2. That *he* be put *out* and no longer to *continue* a *Member* thereof.

3. That a *Warrant* be made for a *Writ* for a *new* choice for the *Univerſity* of *Oxford*.

IV. In the ſame *Parliament*, the *Commons Houſe* of *Parliament* for that Sir *Robert Floyd* had been a *projector* of a *Patent* for a *Monopoly*,

Journ. Dom. Com. 19 *Jac.* Sir *Robert Floid's* Caſe.

nopoly, being a *general* grievan
both in the *original creation*, a
in the *execution*:

Turned out for being a Monopoliſt.

Reſolved *una voce*, That t
ſaid Sir *Robert Floyd* was a perſo
unworthy to continue a *Member*
this *Houſe*, and *adjudged* him p
ſently to be *put* out.

Journ. Dom. Com. 3 *Car.* 1. Mr. *John Barbour*'s Caſe.

V. *Anno* 3 *Car.* 1. Mr. *Jo*
Barbour a *Lawyer*, and *Record*
of the City of *Wells*, for *ſubſc*
bing a *Warrant* for the *quarteri*
of *Souldiers*; though he pleade
fear; yet *becauſe* he would rat
not loſe his *Place* than *do* Juſtic
he was thought *unfit* to mak
Laws, that *violates* the *Laws*, h
fault being *aggravated* by his *p*
feſſion; he had done well to ha
remembred 11 *R.* 2. when *Bel*
nap amongſt other *Judges* ga
his *Opinion* for *fear*, *unwilling*
loſe his *Cuſhion*; when he ca
home he could not ſleep, b
ſaid, *I deſerve three H. H. H.*
Hurdle, *a Halter*, *and a Hang*
ma

man. 1 *H.* 4. a Law was made, that *fear*, much leſs *Ambition* or *Avarice*, ſhould be no good *Plea*, there being no hope of a Coward. This *may* ſerve as an *Almanack* for the *Meridian* of *England*. This Example will prove more and try more than 20 points of Doctrine; it will ſtrike fear, *circumſpecta agatis*.

Mr. *Barbour* was called in to anſwer for himſelf, and after withdrew, and Ordered,

1. That Mr. *Barbour* be ſuſpended the Houſe, and ſequeſtred, till the pleaſure of the Houſe be known. The Order of the Commons againſt *Barbour*.

2. That a Committee examine the Cauſe, and that no motion be made till that be done.

3. And the Order was ſignified to Mr. *Barbour* by the Serjeant.

§. 3.

§. 3. *Some Presidents for punishing persons that were no Members of the House, for contempts and misdemeanors.*

Journ. Dom. Com. 4 *E.* 6. *Criketoft*'s Case.

I. ANno 4 *E.* 6. *Criketoft* for *confederating* in the escape of one *Floud*, was *committed* to the *Tower*, and afterwards discharged *paying* his *Fees*.

Journ Dom. Com. 1 *Jac.* Complaint that a Yeoman of the Guard who kept the door of the Lobby of the Upper House, against several of the Members of the House of Commons.

II. Complaint was made by Sir *Herbert Croft*, of *Bryan Tash* Yeoman of his Majesties Guard for *keeping* out of the *doors* of the *Upper House*; and Sir *Herbert* himself, and some others of the Commons offering to come in, he *repulsed* them, and shut the *door* upon them, with these uncivil and contemptible terms, *Goodman Burgess you come not here.*

The *Question* moved in this was that for so great *contempt*, whether the *House* of it self should proceed to *punish*, or *Address* them

themſelves to the *proper* Officer the *Lord Chamberlain*, Captain of the Guard, *&c.* And ſo was left for this day.

A *Preſident* of the like *contempt* by a Gentleman-Uſher, *remembred* to have been *queſtioned* in this Houſe in a *Parliament* in her *Majeſties* time.

This day the *contempt* of the *Yeoman* of the *Guard* was again *remembred*, and *propounded* as *meet* to be left to the *examination* and report of the *Committee* for *Returns* and *Priviledges*. But herein an *Honourable* perſon, and a *ſpecial* Member of the *Houſe*, interpoſed his *advice*, that there might be ſome *moderate* courſe taken with *reſpect* to his *Majeſties* Service, and to the *eminent* and *honourable* Officers whom it might concern: which *induced* the *Houſe* thus far to be *pleaſed*, that the *Offender* the *next* day ſhould *appear* and *anſwer* his *contempt* at the *Bar*, with *caution* and on *pur-* 22 Martii. 1603

poſe (which the Houſe did the utter) that if he ſeemed to *unde ſtand* his own *offence*, and be *ſor* for it, and would *ſubmit* himſe to the *pleaſure* and *mercy* of th *Houſe*, praying *pardon* and *favo* they would *remit* and *diſcha* him; and the *Serjeant* was co mandcd to *attend* the ſaid Orde for his *appearance*.

Bryan Taſh a *Yeoman* of th *Guard*, for his *contempt* to th *Houſe*, being in the *cuſtody* of th *Serjeant*, and brought to the *Ba* upon his *ſubmiſſion* and *confeſſi* of his *fault*, Mr. *Speaker* pronou ced his *pardon* and *diſmiſſion* paying the ordinary *Fees* to th *Clerk* and *Serjeant*; and in th name of the *Houſe* gave him a *vice* and *warning*, for his *bett* care and carriage hereafter, upo any the like occaſions, in th courſe of his Service and Atte dance.

Taſh brought to the Bar, ſubmits, and is pardoned, paying Fees.

III. *Anno* 18 *Jac.* The *Commons House* of *Parliament* adjudged Sir *Francis Mitchell*, a Lawyer, to be priſoner in the *Tower*, for his many *miſdemeanors* in and about the *procuring* of a *Patent* concerning the *Forfeitures of Recognizances*, and of *Alehouſe-keepers*; and further ordered, that a *Serjeant at Arms* ſhould forthwith take him into his *cuſtody*, and that at two of the clock that Afternoon, ſhould carry him *on foot* through *London-ſtreets* unto the *Tower*, there to be delivered to the *Lieutenant*.

Journ. Dom. Com. 18. *Jac.* Sir *Francis Mitchell*'s Caſe.

Committed to the Tower.

Carried on foot through *London*-ſtreets.

After which the *Commons* impeached him before the *Lords*; who having *examined* his *arbitrary acts*, great *crimes*, and intollerable *villanies*, by *Impriſonments* and the *ruine* of many Families, all *proved*, as may be ſeen in the *Lords Journal*.

After impeached by the Commons before the Lords.

The *Lords* agreed of the Sentence of Sir *Francis Mitchell*, ſent a Meſſage unto the *Houſe of Com-*

Journ. Dom. Proc. 18 *Jac.* The Lords ſend to the Commons.

mons, that the *Lords* have pro
ceeded againſt Sir *Francis Mit*
chell upon the *complaint* of th
Commons, and they have fou
him guilty of many *exorbita*
offences, and are ready to gi
Judgment againſt him, *if they wi*
their Speaker will come to d
mand it.

That they are ready to give Judgment againſt *Mitchell*, if they would come and demand it.

Anſwered, They will come a
cordingly with all convenie
ſpeed.

In the mean time the *Lor*
put on their *Robes*.

The *Commons* being come, a
the *Speaker* at the *Bar*, after lo
obeyſance he ſaid,

The Commons by their Speaker demand Judgment againſt Sir *Francis Mitchell.*

There was heretofore relate
unto your *Lordſhips* by the *Hou*
of Commons, a *complaint* of ma
grivances againſt Sir *Giles Mom*
peſſon, and Sir *Francis Mitchel*
for *many offences* committed b
them, committed *againſt* the *Ki*
and the *Commonwealth*: you
Lordſhips have proceeded wit
Mompeſſon, and given *Judgme*
all

alſo againſt him; underſtanding you are ready to pronounce *Judgment* alſo againſt the ſaid Sir *Francis Mitchell, I the Speaker, in the name of the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament, do demand and pray that Judgment be given againſt him the ſaid Sir* Francis Mitchell, *according to his demerits.*

The *Lord Chief Juſtice* pronounced the Judgment, *in hæc verba.* Mr. *Speaker*, the Lords Spiritual and Temporal have taken into due conſideration the great care and pains taken by the Commons, to inform their Lordſhips of the great Complaints, and the qualities and natures thereof, preſented unto them againſt the ſaid Sir *Francis Mitchell*, and others; whereof their Lordſhips being well prepared by them to the true underſtanding of the ſame, and thereupon have proceeded to the perfect diſcovery

The Lord Chief Juſtice pronounceth the Judgment.

thereof, by examination of divers Witneſſes upon Oath, do find thereby Sir *Francis Mitchell* clearly *guilty* of many great *crimes* and *offences* againſt his *Majeſty* and the *Commonwealth*, and have reſolved at this time to proceed to *Judgment* againſt him for the ſame: And therefore the *Lords Spiritual* and *Temporal* of this *great* and *high* Court of *Parliament*, do *award* and *adjudge*,

The Judgment of the Lords againſt Sir *Francis Mitchell.*

1. That the ſaid Sir *Francis* ſhall *ſtand* and *be* from henceforth *degraded* of the *Order* of *Knighthood*, with reſervation of the *dignity* of his now Wife and Children, and the ceremony of *degradation* to be performed by direction of this Court, to the *Earl Marſhals* Court.

There was a Clauſe in Patents of Monopolies, whereby power was given to impriſon, and hundreds were committed by colour thereof to *Finsbury* Gaol, and the *Fleet.*

2. That he ſhall be *impriſoned* during the *Kings* pleaſure in *Finsbury Gaol*, in the *ſame* Chamber there which he *provided* for *others*; the *Tower* where he now remaineth, being a *Priſon* too *worthy* for *him.*

3. That

3. That he ſhall undergo a *Fine* of 1000 *l.*

4. That he ſhall be *diſabled* to *hold* or *receive* any *Office* under the *King*, or for the *Commonwealth*.

IV. *Anno* 18 *Jac.* The *Commons* after a Conference with the *Lords*, referred the *Bailment* of *Matthias Fowles*, *George Geldard*, and other *Priſoners*, who had been *infamous* Agents for *Mompeſſon* and *Mitchell*, and by them *tranſmitted* to the *Lords*, (the *Parliament* being to be adjourned for ſome time) the opinion of the *Commons* was, that the *Gaol* was the beſt *Bail* for them. Journ. Dom. Proc. 18 *Jac.* *Fowles*, *Geldard* and others committed.

V. *Anno* 20 *Jac.* Dr. *Harris*, Miniſter of *Blechingley*, who had *misbehaved* himſelf by *Preaching*, and *otherwiſe* with reſpect to Election of *Members* of *Parliament* there, and being complained of in the *Houſe*, and referred to a Journ. Dom. Com. 20 *Jac.* Dr. *Harris's* Caſe.

Committee; the *Committee* was clearly ſatisfied that it was a *high* and *great* Offence; they are of *opinion* he ſhould be *called* to the *Bar* as a *Delinquent*, to be *admoniſhed*, and to *confeſs* his *fault* there and in the *Country*, and in *the Pulpit of the Pariſh-Church*, on *Sunday ſeven-night before the Sermon.*

To recant in the Pulpit.

The Doctor was brought to the *Bar*, and *kneeled*; the *Houſe* agreed with the *Committee*, and *Mr. Speaker pronounced* Judgment upon him *accordingly.*

Journ. Dom. Com. 3 *Car.* 1. Mr. *Bargeſſe*, a Miniſter, his Caſe.

VI. *Anno* 3 *Car.* 1. Mr. *Burgeſſe*, a *Miniſter* in *Oxfordſhire*, who had *abuſed* his *Function* in the *duty* of *Catechizing*, by making an *Interlude full* of *blaſphemous* Speeches; and *alſo* in a *Sermon*, which was made *only* to traduce the *Puritans*, was *ſent* for by a *Meſſenger*; being brought to the *Committee*, *refuſed* to anſwer, for which he was committed:

1. To

1. To the *Tower*.

2. After *petitioned* for his deliverance, and *humbly* ſubmitted; whereupon he was *delivered* out of the *Tower*.

VII. In the ſame *Parliament*, Sir *William Wray*, Mr. *Langton*, Mr. *John Trelawnie*, and Mr. *Edward Trelawnie*, being *Deputy-Lievtenants* of the *County* of *Cornwall*, aſſumed to themſelves a *power* to make whom *they* only pleaſed, *Knights* of the *Shire*, defamed Sir *John Elliot*, and Mr. *Corriton*, who ſtood to be choſen, *ſent* up and down the *Countrey* Letters for the *Trained-bands* to appear at the day of Election, *menaced* the *Countrey*, under the title of his Majeſties *pleaſure*. Journ. Dom. Com. The Caſe of Sir *William Wray*, M *Langton*, Mr. *John Trelawnie*, and Mr. *Edward Trelawnie*.

It was Ordered,

1. That Mr. *Langton* and Mr. *John Trelawnie* be *committed* to the *Tower*, for their *Offence* done to the *Houſe*, there to remain during the pleaſure of the *Houſe*, and that The Judgment of the Commons.

that they make a *ſubmiſſive* acknowledgment of their *Offences*.

2. And Sir *William Wray*, and Mr. *Edward Trelawnie*, be *committed* to the *Serjeant*, and ſo to remain till they make their *Recognition* in the *Houſe*.

The Commons Houſe of Parliament adjudge them.

After all which, the *Queſtion* was, whether the Gentlemen ſhould make the *Recognition* at the *Aſſizes* in *Cornwall*, or no: And it was Ordered,

To make ſubmiſſion in the Countrey at the Aſſizes.

That the *Recognition* and *Submiſſion* ſhould be made in the *Countrey*; and a *Committee* was appointed to draw the *Recognition*, and they were ſent to the *Tower*.

The *four* Gentlemen were called in to the *Bar*, and the *Speaker* pronounced the *Judgment* upon *them*, all that while they *kneeled*.

Journ. Dom. Com. 3 *Car.* 1.

VIII. *Anno* 3 *Car.* 1. Sir *Thomas Wentworth* reporteth the Buſineſs, concerning the *Toll* granted

ted to *Levet* for ---- *Bridges* in *Yorkshire*, to him and his Heirs, to be holden in Soccage of *East-Greenwich*, at 20 *s.* Rent, with power to seize Goods, *&c.*

Levet, for executing a Patent in time of Prorogation, which was adjudged a Grievance by the House in the last Session, ordered to be sent for by the Serjeant at Arms.

No Grant hereof till 10 *Jac.* nor any fruit thereof till 15 *Jac.* the *Bridge* anciently in good repair, *some* particularly bound to *repair* it.

This *Patent* adjudged by the Committee a Grievance to the Subject, both in the original *Creation* and *Execution.*

Upon Question so adjudged here: Ordered upon Question, That *Levet*, that hath peremptorily *exercised* a Patent, here *condemned* the last *Session*, for taking Toll at ---- *Bridges* in *Yorkshire*, shall be *sent* for by the *Serjeant* at *Arms* attending upon this *House.*

Journ. Dom. Com. 4 *Car.* 1. The Parliament prorogued.

IX. *Anno* 4 *Car.* 1. Mr. *Rolls* a Merchant, and a *Member* of the *House*, informed the *House* that his *Goods*,

Journ. Dom. Com. 4 *Car.* 1. The Officers of the Custom-house.

Goods were ſeized by the *Cuſtomers* for *refuſing* to pay the *Cuſtoms* by them *demanded*, *although he told them he would pay what was adjudged to be due by Law.*

It was *ordered*, that the *Officers* of the *Cuſtom-houſe* ſhould be ſent for.

Journ. Dom. Com. 4 *Car.* 1. The Caſe of *Acton*, Sheriff of *London*, for contempt in prevaricating in his Teſtimony.

X. Sir *John Elliot* reported from the *Committee* for the *Examination* of the Merchants buſineſs, That the *Committee* finding *Acton* Sheriff of *London* in *prevarications* and *contradictions*, in his *Examination*, which being conceived to be a *contempt* to the *Houſe*, he deſires he might be ſent for to anſwer his *contempt*.

Mr. *Goodwyn*. The *Sheriff* acknowledgeth his *error*, and *humbly* deſireth ſo much favour, that he may once again be called before the *Committee*, and if he give not full *content* by his *anſwer*, he will refer *himſelf* to the *wiſdom* and *juſtice* of the *Houſe*.

Sir

Sir *Walter Earl* ſeconded this *motion*, ſo did Alderman *Moulſon*, Secretary *Cook*, Chancellor of the Dutchy, and ſome others: but this *offence* being *declared* to be ſo *great* and *groſs*, and that the *Committee* had given him ſo many times to *recollect* himſelf, and he being ſo *great* an *Officer* of ſo *great* a *City*, had all the *favour* that might be, and yet *rejected* the *ſame*, and carried *himſelf* in a very *ſcornful* manner.

Wherefore it was *ordered* he ſhould be *ſent* for unto the *Houſe* as a *Delinquent* to morrow morning. Ordered to be ſent for.

Sheriff *Acton* was called to the *Bar*, as a *Delinquent* upon his *knees*, and ſaid, If he hath *erred*, it was through want of *memory*, or through *ignorance*, for he intended not the leaſt *diſlike* or *diſtaſte* to any *Member* of the *Houſe*; and withdraws. Tueſd. 10 Feb. Appears, and called to the Bar.

Mr. *Long*. I ſhall *move* that he be *ſent* to the *Tower*.

Mr.

His Crime with others aggravated.

Mr. *Littleton.* You ſee the *affronts* by *Books*, by *Preaching*, by *Rumours*, by being *ſerved* with *Proceſs*, theſe *ſcorns* are *daily* put upon *us*, that we are *become* but a *meer* ſcare-crow; the *neglect* of *our duty* is the *cauſe* of *this*, it is high time to *remedy* this, or it is in *vain* to *ſit* here.

Sentenced to the Tower.

The *Sheriff* is again called to the *Bar* on his *knees*, and *ſentenced* to the *Tower.*

Journ. Dom. Com. 4 *Car.* 26 Jan. The Caſe of *Lewis.*

XI. A *Petition* was preferred againſt one *Lewis*, who ſaid about the 25th. of *December*, *The Devil take the Parliament*: which was *avowed* by *two* witneſſes. And although it was *ſpoken* out of *Parliament*, yet it was *reſolved* to be an *offence* to the *Parliament*: *And it was ordered he ſhould be ſent for.*

§. 4.

§. 4. *Some Preſidents for puniſhing of Miſdemeanours in Elections.*

I. IN the *Parliament* of the 18. of *King James*, the *Mayor* of *Winchelſey*, for *misbehaving* of himſelf at the *Election* of *Parliament*-men for that *Town*, and making a *falſe* Return. It was Reſolved upon the Queſtion,

Journ. Dom. Com. 18 *Jac.* The Caſe of the Mayor of *Winchelſey.*

1. That the *Mayor* of *Winchelſey* had committed a *Contempt* and *Miſdemeanour* againſt this *Houſe*, and *therefore* ſhall ſtand *committed* to the Serjeant till Saturday morning, then *making* his *Submiſſion* here at the *Bar*, to be diſcharged of any further puniſhment here.

Judgment againſt the Mayor.

2. *But to make his Acknowledgment in the Town before the new Election.*

II. *Anno* 20 *Jac.* Upon the Report of Mr. *Glanvile*, concerning the *Burrough* of *Arundel*, becauſe

Journ. Dom. Com. 20 *Jac.* The Caſe of the Mayor of *Arunael* for Miſdemeanour.

cauſe the *Mayor* had *misbehaved* himſelf in the *Election*, by putting the Town to a great deal of *Charge*, not giving a *due* and general *warning*, but *packt* a number of *Electors*: It was Reſolved

1. The Mayor not being in Town, a *Warrant* be ſent for *him*.

Judgment. To pay the Charge, to be ſet down by 3 Members.

2. Reſolved upon another Queſtion, that Mr. *Alford*, Mr. *Bing*, and Mr. *Lathorn*, ſhall ſet down the *Charges*.

Journ. Dom. Com. 21 *Jac.* The Caſe of *Ingry* the under-Sheriff of *Cambridgeſhire*.

III. *Anno* 21 *Jac.* Mr. *Glanvile* reports the Miſdemeanour of the *under-Sheriff* of *Cambridgſhire*, who refuſed the *Pole*, declaring, Sir *Thomas Steward* promiſed him to *defend* him againſt Sir *John Cutts*, and told him, he ſhould have no *wrong* nor *damage*.

Judgment.

Reſolved upon the Queſtion, That this *under-Sheriff* ſhall be *committed* to the *Serjeant*'s Cuſtody till Thurſday next.

Reſolved alſo upon the Queſtion, That making his *Submiſſion* at

at the *Bar*, and acknowledging his *offence*, he ſhall be diſcharged from any further puniſhment in this place.

Reſolved alſo upon a third Queſtion, That the *under-Sheriff* ſhall *make* a further *Submiſſion* openly at the next *Quarter-Seſſions* to be holden in the County, and *acknowledge* his *faults*. To make a ſubmiſſion at the Seſſions.

Edward Ingry brought to the *Bar*, and *kneeling* upon his *knees*, Mr. *Speaker* denounced upon him the Judgment of the *Houſe*.

IV. Mr. *Hackwell* reports from the Committee about the *Sheriffs* of *York*, and others, for the *Election* of Sir *Thomas Savill*. Journ. Dom. Com. 3 & 4 *Car.* 1. Tueſd. Apr. 29. The Caſe of the Sheriffs of *York*, and others touching the Election of Sir *Thomas Savile*.

The two *Sheriffs*, and two *Aldermen* are Delinquents; one of the *Sheriffs*, and one of the *Aldermen* are moſt *faulty*: Sheriff *Thompſon* had committed two offences; Firſt, his *haſty* and *precipitate* Judgment of the *Election*, to prevent the *Election* of *Hoy*: Secondly,

ly, in denying the *Poll*, being re-
quired. First, his *hasty* and *pre-*
cipitate Judgment, was done wit-
out acquainting his *fellow Sheri-*
and it was within a quarter
an hour after the reading of th
Writ, and half an hour after nin
a clock; and while he was doin
of it, he was admoniſhed, an
told that he *could not anſwer* i
and that he might *defer* it; ye
he did obſtinately proceed, an
anſwered them *frowardly*, and ſai
he *would* do it, and that he woul
juſtifie it. His *excuſe* was thu
that it was indeed *ſuddenly* don
but it was done ſo formerly. Bu
to that it was replied, That ne-
ver before *above two* were in El
ction. Secondly, he anſwered
That it was not of his *own head*
but ſome *Aldermen* adviſed it
but that was Alderman *Cooper*,
Delinquent for that offence. Fo
the other offence, in *denying* the
Poll after it was demanded, and
that was before he had pronoun-
ced

ced any *Judgment*; but he was willing that *Robinſon* ſhould have the *Poll*, for he knew he could not carry it: but he refuſed *Hoy*, and he was required *ten times*, but gave no *anſwer* at all. His *behaviour* before the Committee was *impudent*, and he would *anſwer* nothing directly. The Committee found this man to be an *engaged man*, and that he was promiſed to be *ſaved harmleſs*. For Alderman *Henlow*, he procured the *Company of Taylors* two days before the Election, and publiſhed Sir *John Savill*'s Letters, and preſſed it, and upon ſome he preſſed it ſo much, that they *ſhould* elect Sir *Thomas Savill*, and ſaid the *Parliament* will not hold. He dealt with the *Sheriffs* alſo, and told them divers words of Sir *John Savill*, that he would *take it very ill*; and, ſaid he, if you will chooſe Sir *Thomas Savill*, you ſhall be *ſaved harmleſs*. Alſo he endeavoured to procure a *Certificate*, that *Nota.*

Sir *Thomas Savill* was duly e
cted; when any refuſed, he ſa
they were *factious Fellows*, a
otherwiſe threatned. The Co
mittee cenſured Sheriff *Thomp*
and this Alderman *Henlow*, Fi
that they ſhould ſtand *commit*
to the *Serjeant* during pleaſu
Secondly, that they ſhould
knowledge their offences at t
Bar in the full Houſe, and pay
due *Fees* before they be diſch
ged. Alſo they ſhould defray
the *charges* of the Witneſſes
Alderman *Hoy*, to be aſſeſſed
Nota. four of the Committee. And t
they ſhould make *acknowle*
ment of their *fault* before t
Court of Aldermen at *York*; a
that the *Mayor* ſhould certi
their *ſubmiſſion* to the Houſe.

As for Alderman *Cooper*, he
ſembled the *Company of M*
chants, and read Sir *John Sav*
Letter for the Election of his S
and alſo he at the Election p
ſwaded the Sheriff to give *Ju*
ma

ment. Sheriff *Atkins* was only *paſſive*, and did not refuſe to joyn with the other Sheriff. As for the point of *charges* given to the Witneſſes of *Hoy*, it was *doubtful* and *objected* againſt by ſome, whether it lay in our power: But it was replied, That in *every* Court it is neceſſary to have *power* to impoſe *Fines*, and why we ſhould *want power* for offences that lye in our *cognizance*, is not to be queſtioned; elſe the party that is *duly elected*, and that *juſtifies* the free Election, and *maintains* the freedom and liberty of the Commonwealth, ſhall be more *puniſhed* then the *Delinquent*: Alſo we have power to *impriſon*, which is more then a *Fine*; Alſo we have as much as the *Lords Houſe*, in thoſe things that lye in our *Juriſdiction*. 13 *Eliz.* 10 *Maii*, The Mayor of *Weſtbury* in *Wiltſhire* took 4 *l.* for a Return; Mr. *Long* fined 20 *l.* and ordered to bring in a Bond made him for a greater

ſum. 23 *Eliz.* 5 *Januar.* Mr. *Arthur Hall* writ a Book to the *diſhonour* of this Houſe; It was ordered, that the *Serjeant* ſhould go to apprehend him, aſſiſted by two *Knights* of this Houſe. 14 *Febr.* he was brought to the *Bar*, and ſent to the *Tower*, and fined 500 Marks, and expelled the Houſe, and kept in the *Tower* ſix months. 23 *Eliz.* 18 *Martii*, a Fine was aſſeſſed on every one that was *abſent* without leave. 6 *H.* 8. *cap.* 16. our Clerks Book is termed a *Record.* 21 *Jac.* the Election of the Burgeſs of *Arundel* in *Suſſex*; and there it was *ordered*, that the Witneſſes *charges* ſhould be born: And then there was 10 *l.* paid down by one, a *Member* of this Houſe. 12 *Jac.* a Servant of Juſtice *Whitlock's* was Arreſted by one *Lock* and *Moon*, who were enjoyned to ride both on Horſe-back, with their faces to the Horſes tails: And Mr. *Hackwell* ſaid, he him-

Nota.

ſelf

ſelf ſaw the execution of it in *Cheapſide*.

3 *Jacobi*, the Baron of *Walton*'s Sollicitor, being his Servant, was Arreſted; he claimed the *priviledge*, and the party that *cauſed* the *Arreſt* was Fined, and it was left to the *Speaker* to moderate the Fine. 18 *Jacobi*, certain Conſtables of *York*, for Miſdemeanors, were ſent for up, and one was *acquitted*, and had 5 *l.* given him for his *charges*. At the laſt Parliament, Sir *George Haſtings* Kt. was elected Knight of *Leiceſterſhire*, and was Arreſted by the Sheriff at his Election, and *complained* here, and his Witneſſes were ordered to have their *coſts* paid them.

Sir *Robert Philips*.

Ordered that *Thompſon* and *Henlow* pay the charges of Witneſſes, brought up about the *proof* of the ſaid Election, and that they ſhall not be *diſcharged* from the *Serjeant* till they pay their Fees; and four *Gentlemen* of the *Houſe*

The Sheriff to pay the charges of the Witneſſes, to be ſet down by four Witneſſes.

are to moderate and ſet dow
the *charges* in certain. And it
ordered, that they ſhall be co
mitted to the *Serjeant*, till the
make their *ſubmiſſion* at the *B*
and acknowledge their *faults* o
their *knees*, and read a *ſubmiſſi*
As for the *ſubmiſſion* to be mad
at *York*, it was through great *fa*
vour remitted by the *Houſe*.

To all which I ſhall add th
enſuing Preſident.

Lunæ 4 *Junii*, 19 *Jacobi*.

Committment of *Davenport* to the Tower, for miſinforming the Houſe of Commons, as a Witneſs.

7. The *Commons Houſe* of *Parlia*
ment hath this day adjudged
Randolph Davenport Eſq; for hi
offence in *miſ-informing* the ſame
Houſe, in a Cauſe wherein he wa
produced as a *Witneſs*, to be com
mitted priſoner to the *Tower*, fo
the ſpace of one whole month,
and then to be *diſcharged* paying
his Fees. Theſe are therefore in
the behalf of the ſaid *Houſe* of

Com-

Commons, to require and charge you to receive the ſaid *Randolph Davenport* into your cuſtody, within the Priſon of the *Tower*, under your *charge*, and him therein ſafely to detain and keep, for the ſpace of *one whole month*, and then to *diſcharge* him, paying his Fees; and this ſhall be your *Warrant* in this behalf. Given under my hand this 4th. of *June*, 1621.

To Sir *Allen Apſley* Knight, Lieutenant of the *Tower*.

An

Anno primo Regis *Jacobi*, Num. 42. penes *Joh. Brown*, Ar. Cler. Parliamentor.

An Act to secure the Debt of Simpson, *and others, and save harmless the Warden of the* Fleet, *in Sir* Thomas Shirley's *Case.*

Soit baile aux Seigniours.

A ceſt Bille oveſq; les Amendments annexes, les Seigniours ont aſſentus.

HUmbly pray the *Commons* of this preſent *Parliament*, That whereas *Thomas Shirley* Kt. which came by your *Highneſs*'s Commandment to this your preſent *Parliament*, being elected and returned a *Burgeſs* for the *Burrough* of *Steyning*, in your *Highneſs*'s County of *Suſſex*, was upon the 15th. day of *March* laſt paſt, arreſted by the *Sheriffs* of *London*, at the *Suit* of one *Giles Simpſon*, firſt upon an Action of *Debt*, and afterwards laid and detained in *Execution* upon a *Recognizance*,

nizance, of the nature of the *Statute* Staple of 3000 *l.* in the *Priſon*, commonly called the *Compter in the Poultrey* in *London*, at the *Suit* of the ſaid *Simpſon*, and from thence by *Habeas Corpus* was removed to your *Majeſties Priſon* of the *Fleet*, where for a time he was detained in *Execution*, as well upon the ſaid *Recognizance*, as to anſwer to two *Actions* of *Debt*, one of 2000 *l.* at the *Suit* of *William Beecher*, the other of 3000 *l.* alſo at his *Suit*, and to anſwer one other *Action* of *Debt* of 300 *l.* at the *Suit* of one *John King*, *contrary to the Liberties, Priviledges and Freedom, accuſtomed and due to the Commons of your Highneſs's Parliament, who have ever uſed to enjoy the freedom in coming and returning from the Parliament, and ſitting there without reſtraint and moleſtation*, and it concerneth your *Commons* greatly to have this *Freedom* and *Priviledge inviolably* obſerved: *Nota.*

Yet

Yet to the end that no Perſon be prejudiced or damnified hereby, May it pleaſe your *Highneſs*, by the Aſſent of the *Lords* Spiritual and Temporal, and *Commons* in this preſent *Parliament* aſſembled, and by the *Authority* of the *ſame*, it may be *Ordained* and *Enacted*, That the ſaid *Sheriffs* of *London*, the now *Warden* of the *Fleet*, and all others, that have had the ſaid *Thomas* in Cuſtody, ſince the ſaid firſt *Arreſt*, their *Executors* or *Adminiſtrators*, or any of them, may not, nor ſhall in any wiſe be *hurt*, *endamaged*, or *grieved*, becauſe of diſmiſſing at large of the ſaid *Thomas Shirley*, ſaving always to the ſaid *Giles Simpſon*, and other the Perſons aforeſaid, at whoſe *Suit* the ſaid *Thomas* is detained in *Priſon*, his, their, and every of their *Executions* and *Suits*, at all time and times, after the end of this preſent *Seſſion* of *Parliament*, to be taken out and proſecuted, as if the ſaid

Thomas

Thomas had never been arreſted, or taken in Execution, and as if ſuch Actions had never been brought or ſued againſt him, *ſaving alſo to your Majeſties ſaid Commons, called now to this your Parliament, and their Succeſſors, their whole Liberties, Franchiſes and Priviledges, in all ample manner and form, as your Highneſs's ſaid Commons at any time before this day have had, uſed and enjoyed, and ought to have, uſe and enjoy, this preſent Act and Petition in any wiſe notwithſtanding. Soit fait come & eſt deſire.*

The

Anno 3 *Car.* 1. *Pult.* Stat. fol. 1433.

The Petition *exhibited to his Majeſty, by the Lords Spiritual and Temporal in this preſent Parliament aſſembled, concerning divers* Rights *and* Liberties *of the* Subjects, *with the Kings Majeſties Royal Anſwer thereunto in full Parliament.*

To the Kings moſt Excellent Majeſty

HUmbly ſhew unto our Sovereign *Lord* the *King*, the Lords *Spiritual* and *Temporal*, and *Commons* in *Parliament* aſſembled, That *whereas* it is *Declared* and *Enacted* by a *Statute* made in the time of the Reign of K. *Edward* the I. commonly called, *Statutum de Tallagio non concedendo : That no Tallage or Aid ſhall be laid or levied by the King or his Heirs in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other the*

34 *E.* 1.

No Tallage or Aid to be laid or levied without Authority of Parliament.

the Free-men of the Commonalty of this Realm. And by *Authority* of *Parliament* holden in the 25. year of the Reign of K. *Edward* the III. it is *Declared* and *Enacted, That from thenceforth no perſon ſhould be compelled to make any Loans to the King againſt his will, becauſe ſuch Loans were againſt Reaſon, and the Franchiſe of the Land.* And by other *Laws* of this *Realm* it is *provided*, That *none* ſhould be *charged* by any *Charge* or *Impoſition* called a *Benevolence, nor by ſuch like Charge*, by which the *Statutes* before-mentioned, and other the *good Laws* and *Statutes* of this *Realm*, your *Subjects* have *inherited* this *freedom, That they ſhould not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not ſet by common conſent in Parliament.*

1 E. 3. 6.

11 R. 2. 9.
1 R. 3. 2.

Yet *nevertheleſs* of late *divers* Commiſſions directed to ſundry *Commiſſioners* in ſeveral Counties, with

with *Inſtructions*, have iſſued, by means whereof your People have been in divers Places aſſembled, and required to lend certain ſums of Money unto your Majeſty; and many of them upon their refuſal ſo to do, have had an *Oath* adminiſtred unto them, *not warrantable by the Laws or Statutes of this Realm*, and have been *conſtrained* to become *bound* to make *appearance*, and *give* attendance before your *Privy Councel*, and in *other* Places; and *others* of them have been therefore *impriſoned*, confined, and ſundry other ways *moleſted* and *diſquieted*; and *divers* other *Charges* have been *laid* and *levied* upon your *People* in ſeveral Counties, by Lord-*Lievtenants*, Deputy-*Lieutenants*, Commiſſioners for *Muſters*, Juſtices of Peace, and *others*, by *Command* or *Direction* from your *Majeſty*, or your *Privy Councel*, againſt the *Laws* and free *Cuſtoms* of the *Realm*.

And

And where alſo by the *Statute* called the *Great Charter* of the *Liberties* of *England*, it is declared and Enacted, *That no Freeman may be taken or impriſoned, or be diſſeiſed of his Freehold or Liberties, or his free Cuſtoms, or be Outlawed or Exiled, or in any manner deſtroyed, but by the lawful Judgment of his Peers, or by the Law of the Land.* 9 H. 3. 29.

And in the 28th. year of the *Reign* of K. *Edward* the III. it was *Declared* and *Enacted* by Authority of Parliament, *That no man, of what Eſtate or Condition that he be, ſhould be put out of his Land or Tenements, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought* to anſwer by due proceſs of Law. 28 E. 3. 3.

Nevertheleſs *againſt* the *tenour* of the ſaid *Statutes*, and *other* the good Laws and *Statutes* of your *Realm* to that end *provided*, divers of your *Subjects* have of late been *impriſoned* without any *cauſe* 37 E. 3. 18. 38 E 3. 8. 42 E. 3. 3. 17 R. 2. 6.

ſhewed; and *when* for their *deliverance* they were *brought* before your *Juſtices*, by your Majeſties *Writs* of *Habeas Corpus*, there to undergo and receive as the Court ſhall *order*, and their *Keepers* commanded to certifie the *cauſes* of their detainer, *no* cauſe was certified, but that *they* were *detained* by your *Majeſties ſpecial Command*, ſignified by the Lords of your *Privy* Councel, and yet were *returned* back to ſeveral *Priſons*, without being *charged* with *any* thing, to which they might make *anſwer* according to the *Law*.

Quartering Souldiers againſt Law.

And whereas of late *great* company of *Souldiers* and *Marines* have been *diſperſed* into divers *Counties* of the *Realm*, and the *Inhabitants* againſt their *wills* have been *compelled* to receive them into their *Houſes*, and there to *ſuffer* them to *ſojourn*, againſt the *Laws* and *Cuſtoms* of this *Realm*, and to the *great* grievance and vexation of the *People*. And

And whereas alſo by *Authority* 25 E 3. 9.
Parliament, in the 25th. year
of the *Reign* of K. *Edward* the
III. *it* is *Declared* and *Enacted*,
That no man ſhould be forejudged of
life or Limb, againſt the form of
the great Charter, and the Law of
the Land; and by the ſaid great 9 H 3. 29.
Charter, and *other* the *Laws* and 25 E. 3. c4.
Statutes of this your *Realm*, no 28 E. 3. c3.
man ought to be *adjudged* to
death, but *by* the *Laws* eſtabliſhed
in this your *Realm*, either by the
Cuſtoms of the ſame *Realm*, or
by *Acts* of *Parliament*.

And whereas *no* Offendor, of *Nota.*
what *kind* ſoever, is *exempted*
from the *Proceedings* to be uſed,
and *Puniſhments* to be *inflicted*,
by the *Laws* and *Statutes* of this
your *Realm*; nevertheleſs of late
divers Commiſſions *under* your
Majeſties *Great* Seal have iſſued
forth, by which certain *perſons*
have been *aſſigned* and *appointed*
Commiſſioners, with *Power* and
Authority to proceed within the

Martial Law in time of Peace, against the Laws and Statutes of *England*

Land, according to the *Justice* of the *Martial Law* against such *Souldiers* and *Mariners*, or other *dissolute persons* joyning with them, as should *commit* any *Murther*, *Robbery*, *Felony*, *Muting*, or other *Outrage* or *Misdemeanour* whatsoever, and by such *summary* Course and *Order*, as is agreeable to *Martial Law*, and as is used in *Armies* in time of *War*, to proceed to the *Tryal* and *Condemnation* of such *Offendors*, and them to cause to be *executed* and *put* to *death*, according to the *Law* Martial.

By *pretext* whereof, some of your Majesties *Subjects* have been by some of the said *Commissioners* *put* to *death*, when and where if by the *Laws* and *Statutes* of the *Land* they had deserved *death*, by the same *Laws* and *Statutes* also they might, and by no other ought to have been *judged* and *executed*.

And also sundry *grievous Offendors*, by colour thereof *claiming* an *exemption*, have *escaped* the

Punish-

Punishments due to them, by the *Laws* and *Statutes* of this your *Realm*, by *reason* that *divers* of your *Officers* and *Ministers* of *Justice have unjustly refused*, or *forborn* to *proceed* against such *Offendors*, according to the same *Laws* and *Statutes*, upon *pretence* that the said *Offendors* were *punishable* only by *Martial* Law, and by *Authority* of such *Commissions* as aforesaid, *which Commissions and all other of like nature, are wholly and directly contrary to the said Laws and Statutes of this your Realm.*

They do therefore *humbly* pray your most *Excellent Majesty*, that no man *hereafter* be *compelled* to make or *yield* any *Gift*, *Loan*, *Benevolence*, *Tax*, or such like *Charge*, without *common Consent by Act of Parliament*; and that *none* be *called* to make *answer*, or take such *Oath*, or to *give* attendance, or be *confined*, or otherwise *molested* or *disquieted* concerning the *same*,

or for refusal thereof; and that no *Freeman* in any *such* manner as is *before* mentioned, be *Imprisoned* or *Detained*; And that your *Majestie* would be pleased to *remove* the said *Souldiers* and *Mariners*, and that your *People* may *not* be so *burthened* in time to *come*; And that the foresaid *Commissions* for proceeding by *Martial Law*, may be *revoaked* and *annulled*; And that hereafter no *Commissions* of like *nature* may *issue* forth to any Person or Persons whatsoever, to be *executed* as aforesaid, least by *colour* of them, any of your Majesties *Subjects* be *destroyed* or *put* to *death*, *contrary to the Laws and Franchises of this Land.*

Nota. All which *they* most *Humbly* Pray of your *most Excellent Majesty*, as their *Rights* and *Liberties* according to the *Laws* and *Statutes* of this *Realm*; And that your *Maiestie* would also vouchsafe to *declare* that the *awards*, *doings*, and *proceedings*, to the

pre-

prejudice of your *People*, in any of the *premiſſes*, ſhall not be *drawn* hereafter into *Conſequence* or *Example*; and that your *Majeſty* would be alſo graciouſly *pleaſed*, for the further *comfort* and *ſafety* of your *People*, to *declare* your Royal Will and Pleaſure, *That in the things aforeſaid, all your Officers and Miniſters ſhall ſerve you, according to the Laws and Statutes of this Realm, as they tender the Honour of your Majeſty, and the Proſperity of this Kingdom.* *Nota.*

Which Petition being read the 2d. of *June*, 1628. the King's Anſwer was thus delivered unto it.

THe *King* willeth that *Right* be *done*, *according* to the *Laws* and *Cuſtoms* of the *Realm*, and that the *Statutes* be put in *due* execution, that his *Subjects* may have *no* cauſe to *complain* of any *wrong* or *oppreſſions*, *contrary*

Here the good King condemns the Law and Doctrine of Dr. *Cowell*, *Blackwood*, *Manwaring*, *Fulbeck*, *Sibthorpe*, *Alablaſter*, *Filmer*, and their Tranſcribers and Diſciples.

to their *juſt Rights and Liberties* to *the preſervation whereof*, he holds *himſelf in Conſcience as well obliged, as of his Prerogative.*

But this *Anſwer* not giving ſatisfaction, the *King* was again petitioned unto, that he would give a *full* and *ſatisfactory* Anſwer to their Petition in *full Parliament.*

Whereupon the King in Perſon, upon the 7th. of *June*, made this 2d. Anſwer.

My Lords and Gentlemen,

THe *Anſwer* I have already *given* you, was made with ſo *good deliberation*, and *approved* by the *Judgments* of ſo *many* wiſe men, that I could *not* have *imagined* but that it ſhould have given you *full ſatisfaction*; but to *avoid* all *ambiguous Interpretations*, and to ſhew you there is no *doubleneſs* in my *meaning*, I am willing to pleaſe you in *words* as well as in

ſub-

ſubſtance; read your *Petition*, and you ſhall *have* an *Anſwer* that I am ſure will *pleaſe* you.

And then cauſing the *Petition* to be diſtinctly read by the *Clerk* of the *Crown*, the *Clerk* of the *Parliament* read the King's *Anſwer* thereunto in theſe words:

Soit droit fait come eſt deſire.

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§. 4. *Several Miſcellaneous Preſidents and Orders both of the Houſe of Lords and Commons.*

I. *A ſtanding Order of the Commons Houſe of Parliament, touching Bills delivered to the Speaker.*

UPon *Tueſday* the 15th. of this inſtant *May*, a *Bill* being *offered* to the *Speaker* of the *Commons* Houſe of *Parliament*, in his way coming towards the ſaid Houſe, Journ. Dom. Com. Parl. 1 *Jac.* Mercurii 23 Maii, A.D. 1603

A Bill is delivered to the Speaker going to the House, purporting a Declaration of Treason by a Magistrate of the Land, who Gives an Account of it to the House.

House, he received it, and brought it in; and being *set* in his *Chair*, after some time did openly intimate the Head or Title of it, purporting a *Declaration* of *Treason*, practised by a *Magistrate* of this *Land*, concealing the *Name* of the *Man*, and the Particulars of the Bill, *adding*, *that for special Causes*, *he hoped they would not meddle with it*, *or expect it should be* read; nevertheless the House inclined to have the Bill read; but upon the said *Speaker's Motion* and better Consideration, resolved to forbear it for that time, expecting the *return* and *reading* of it, when *Mr. Speaker* should think meet to give the House satisfaction, as he promised shortly to do. The next day (as was afterwards informed) it *pleased* his *Majesty* to send for the *Bill*; and in respect it contained matter of *personal Treason*, (as was likewise pretended) properly and only touching himself, *his Majesty* assumed unto him-

Who forbear to read it at that time.

The King sends for the Bill.

himſelf the *Examination* of the matter of the *Bill*, and retained it in his own *keeping*.

In all this time, the Houſe for the more part expected an Accompt of the ſaid *Bill*, which was this day demanded and urged by ſundry Members of this Houſe; in which Debate theſe Queſtions were handled:

The Houſe expected an Accompt thereof from Mr. Speaker, and after demands it.

Queſtions handled thereupon.

1. Whether the Houſe were poſſeſſed of the *Bill*.

2. What might be called poſſeſſion of a *Bill*.

3. Whether it might deal with Treaſon.

4. Examine, commit, and proceed to Judgment upon Traitors, and with what kind of Treaſon and Traitors.

5: And laſtly, Whether a Speaker receiving a Bill, and reading the Title, may deliver it to any, without ſpecial allowance and leave of the Houſe.

Hereupon it was *finally Reſolved* and *Ordered*, that for this time

To ceaſe with a caution & care of the priviledge of the *Houſe*.

time all Queſtions ſhould ceaſe touching theſe matter, with this *caution* and care, proceeding from a tender regard of the *priviledge* of this *Houſe*, that it ſhould be preciſely *Regiſtred*, as the *Judgment* of the *Houſe*, that no *Speaker* from henceforth, ſhould deliver a *Bill*, whereof the *Houſe* ſtandeth *poſſeſſed*, to any whomſoever, without allowance and leave as aforeſaid, but that he had Power and might, either ſhew it or deliver a Copy; If it ſeems meet unto him.

To be Regiſtred as the Judgment of the *Houſe*, that no Speaker ſhould deliver a *Bill*, whereof the *Houſe* was poſſeſſed without leave.

The Speakers excuſe.

Who by way of excuſe, Anſwered that a *Meſſage* was delivered unto him by a *great Lord*, from his Majeſtie, commanding him to ſend the *Bill* unto him, and that he was warranted by former Preſidents, to ſhew the *Bill* to the King when he was Commanded; As in the Caſe of Mr. *Morrice*, Mr. *Wentworth*, 25. *Eliz.*

Motions by ſeveral Members.

Many *Motions* enſued in this *matter*, by Mr. *Sollicitor*, Sir *Herbert*

bert Croſts, Sir *Francis Bacon*, Mr. *Brooke*, Mr. *Wiſeman*, Sir *William Fleetwood*, Mr. Crewe, Mr. *Martin*, Sir *Henery Beaumont*, Sir *Maurice Berkley*, Sir *William Strowd*, Mr. *Telverton*, Sir *Thomas Hobby*.

Much *Exceptions* againſt the Preſidents, *Injurious* that any *Speaker* ſhould deliver a *Bill* to the *King*, without the *privity* of the *Houſe*.

No *Bill* whereof the *Houſe* is poſſeſſed to be delivered to the *King*, or any other without notice and leave of the *Houſe*.

We looſe our *priviledge*, if we looſe our *Bill*.

Mr. *Speaker* to pray *Acceſs* to the *King* himſelf, and in the name of the *Houſe*, to deſire the *Bill* from his *Majeſtie*.

No *poſſeſſion* of a *Bill*, except it be *delivered* to the *Clerk* to be *Read*.

If the *Speaker Read* Title in his Chair, (as he did in this Caſe) a *poſſeſſion*.

Jones

Jones the *Priſoner* to be ſent for hither, and to attend his diſcharge from the *Houſe*.

That the Priſoners Committed by us, cannot be taken from us and Committed by any other.

An *Order* moved and *Agreed*, that no *Bill* whereof the *Houſe* is clearly *poſſeſſed*, be delivered to any before the *Houſe* have notice, and give leave.

No *Bill* of which the *Houſe* is poſſeſſed, to be delivered without notice and leave of the *Houſe*.

Admitted that a Copy may be delivered, or it may be *ſhewed* to his *Majeſtie*.

Jur. Dom. Com. Die veneris 27. *February*, 4 *Jac. A. D.* 1606.

II. Mr. *Speaker* declared to the *Houſe*, a Meſſage from the *King*; The Meſſage was to this effect. That his *Majeſtie* having entred into a Princely Conſideration, of the *weight* of the great *Cauſe* in hand, as alſo of the *great worth* and *ſufficiency* of thoſe *Gentlemen* that have *Spoken* and *Dealt* in it, he was to put them in mind, that the *Writ* of *Summons* that *called* them thither, was to *conſult de arduis Regi*; That every Man did ſerve

A Meſſage from the King.

The Union of *England* and *Scotland*.

That the Writ called them to *Conſul. de arduis Regi*.

ſerve for a *Town* or a *Shire*, that his *attendance* and ſervice of the *Houſe* was a *great* duty; and that the *departure* of *any* Member of this *Houſe was a greater contempt, than any Nobleman's departure, who ſerved only for himſelf*; that therefore he *wiſhed* and *adviſed*, that no *Lawyer* or *other* Member of *Note* might depart the *Houſe*, until this great *Matter* were brought to more *ripeneſs* and *perfection*; and if the *Houſe* would *enter* into courſe for the *ſtay* of them here, or for the *recalling* of thoſe that be *abſent*, his *Highneſs* would *aſſiſt* them by his *Proclamation*, or *otherwiſe* as they ſhould *conceive* fitteſt.

Their attendance a great duty.

Departure a greater contempt than a Noblemans.

Adviſeth no Lawyer or other of Note to depart.

Would aſſiſt the Houſe for their ſtay or recalling.

It was hereupon *moved*, that many have *Tryals* at the *Aſſizes*, who by their *abſence* might *receive* prejudice, if ſome *courſe* were not taken to *prevent* it. *Propounded*, that *Letters* might be *writ* by *Mr. Speaker*, to the *Juſtices* of *Aſſize*, for *ſtay* of *Proceedings* againſt

Motions and Debates upon the Meſſage.

againſt any man that would *require* it; *which was approved and reſolved by the Houſe.*

Mr. Speaker's motions.

Mr. Speaker moveth, that a *time* might be *appointed* for the *Calling* of the *Houſe*, and a *puniſhment* agreed on for the *abſent.*

Others move.

Others, that the *Houſe* might *firſt* be *Called*, and then a *puniſhment* thought on.

That the *Houſe* being *Called*, the *Serjeant* might be *ſent* for *thoſe* which were found *abſent.*

That a *Law* might be *thought* of to *provide* for this *Miſchief* hereafter.

3 Queſtions made.

Theſe *Motions* ended in theſe *three Queſtions*, which by direction was *made* by *Mr. Speaker*, viz.

1 Queſtion.

1. Whether the *Houſe* ſhall be *Called.*

2 Queſtion.

2. Whether the *Serjeant* ſhall be *ſent* for *ſuch* as are *abſent*, having no *reaſonable* excuſe.

3 Queſtion.

3. Whether the *Houſe* ſhall be *Called* on *Monday* come *ſevennight* in the *afternoon.* Which

Which were all *reſolved* in the *Affirmative*, with this further direction, that the *abſent* were to be ſent for, by the *Order* of the *Houſe*, and by *Warrant* under Mr. *Speaker's* hand; And upon the whole matter a *Special* order conceived; The *Copy* whereof was ſent to *ſundry* Members that were *abſent*, that they might be more *ſenſible* of the *reaſon* and *neceſſity* of their *Attendance*. Reſolves.

The form of the Order was. Order.

THis day *Mr. Speaker* delivered a *Meſſage* from His *Majeſtie*, importing a *Conſideration* of the *weight* of the *great cauſe* in hand, of the *ſtudy* and *travel* that hath been taken in the *underſtanding* and *furtherance* of ſome good *Succeſs* therein, by *ſundry* Members of the *Houſe*, and of the *duty* and *neceſſity* of the *attendance* of *every* Member, *Repreſenting* in his *Voice* and *Perſon*, Veneris 27. *February*. The Union of *England* and *Scotland*.

a *Shire*, *City*, or at leaſt a *Town* the *ſpecial* uſe and *ſervice* of the *Lawyers* of the *Houſe*, the *great contempt in departure together*, with his *Highnes's* gracious *Offer* of his *Royal* power and *Aſſiſtance*, to be *added* to the *Authority* of the *Houſe*, for the *recalling* or *puniſhing* of *any* Member *Deliuquent* in *this* behalf; Whereupon the *Houſe* entered into *diſpute* and *deliberation*, what *courſe* were *fitteſt* to be *taken*, as well for the *continuing* of *ſuch* Members as are *here* already Aſſembled; as for the *return* and *attendance* of thoſe *abſent*, to *partake* of, and *aſſiſt* in the *great* ſervice in hand; And after many *courſes* and *new* deviſes of *Order* propounded to the *Houſe*. It was at laſt *Reſolved* upon *three* ſeveral Queſtions, *Firſt* that the *Houſe* ſhould be *called*. *Secondly*, that upon the *calling* ſuch as were *found* to be *abſent*, and had no *juſt* cauſe of *Excuſe*, ſhould with the *privity* and *direction*

rection of the *House* by *Warrant* under the hand of *Mr. Speaker*; And by the *Serjeant* at *Arms*, Attendant upon the *House*, or by his *Deputy*, be *immediatly* sent for, and *answer* Fees and *Entries* to the *Officers*, as in Case of *breach* of *Priviledge*, or other *Contempts* to the *House*. *Thirdly*, *and Lastly*, That upon *Munday* next come *Sevenight* in the afternoon of that day, the *House* shall be *called*.

Die Martis 3. *Martii*. Mr. *Hide* departs without License and is sent for.

Mr. Hide the last day *immediatly* upon the *Kings* Message, *Pleading* certain businesses of his *Clyents*, and other his *private* occasions of *profit* and *necessity* (as he pretended,) made *known* to the *House*, that he would *go* out of *Town*, and so took his *leave* in open audience, *without* the *Assent* or *Leave* of the *House*, which was *taxed*; And *Mr. Speaker* warranted to *Write* unto *him*, which he did in this Form.

The Form of the Speaker's Letter to Mr. Hide.

AFter my very hearty Commendations, *ſithence* your *departure* hence, there hath been *Complaints* made to the *Houſe*, that *you* have gone without *Leave* and *Contrary* to His Majeſties pleaſure, ſignifyed, and the expreſs Order of the *Houſe*; This bred great *diſpute*, and it was in a manner *Reſolved*, that *you* ſhould be preſently ſent for by the *Serjeant*, as being *conceived* to be a *preſident* of *ill* example and *contempt* other Mens Caſes Conſidered with yours, which led me to interpoſe this motion to the *Houſe*; That if you came not before *Munday* next (the day appointed for calling of the *Houſe*,) you might then be proceeded withal as the Caſe did require; And my ſelf offering to Write to you for that purpoſe, they deſiſted

sisted and left it to my care; Nevertheless for many Important reasons, wherewith I will acquaint you at your coming; I do *advise* you, as also *require* you from the *House*, that you *forthwith* repair *hither*, and attend the *service* in hand, which is now in the greatest heat and hast of proceeding; And so I commit you to God. Directed.

To my very Loving Friend,
Laurence Hide, *Esq*;

It was also *moved* and *resolved*, That *Mr. Speaker* should *Write* another *Letter* to other *Lawyers*, being gone down in the same *Circuit*, where *Mr. Laurence Hide* was, (*viz.*)

Resolved that other Letters be writ to other Members who were Lawyers.

Mr. *John Moore*,
Mr. *Giles Tooker*,
Mr. *Edward Digs*, and
Mr. *Nicholas Hide*, which also he did to this Effect.

The form of the Letter:

The form of the Letter.

AFter my very hearty Commendations; ſithence your departure hence, there hath been complaint made as well of your abſence, as of many others, which hath moved the *Houſe* to provide ſome ſpeedy courſe for your return; and thereupon have commanded me forthwith to write unto you, that you make your repair hither without *excuſe or delay*, which I would adviſe you to do, to prevent further queſtion or danger, ſuch as I would be loth you ſhould undergo, as now the caſe ſtands. And ſo I commend you to the protection of the Almighty.

To my Loving Friends, Mr. *Giles Tooker*, Mr. *John Moor*, Mr. *Edward Diggs*, and *Nicholas Hide* Eſqs; *Members* of the *Commons* Houſe of *Parliament*.

III. In

III. It is this day *Ordered*, that a *Committee* of the *whole House*, shall this afternoon *consider* of a *fit* and *satisfactory* Answer of the *Kings* Majesties *Letter* sent this day to this *House*; *and also that they shall take into their Consideration such Misinformations, as are suspected to have been given to his Majesty, concerning the Proceedings of this House, this Parliament, and of all the Circumstances belonging to the same.*

Jurn. Dom. Com. 27. *Jac.* Vereris 27. *Maii.* Order that a Committee take into consideration misinformations given to the King, concerning the proceedings of the *House* of *Commons.*

IV. Sir *Robert Phillips* makes Report of two *Informations* brought, the *one* against Dr. *Lamley*, Chancellor to the *Bishop* of *Peterburrough*, the *other* against Dr. *Cradock*, a *Divine*, and *Chancellor* to the *Bishop* of *Durham.*

Jour. Par. Dom. Com. 18. 19. *Jac.* 15. *Martii.* The Case of Dr. *Lamley*, Chancellor to the Bishop of *Peterburrough*, and Dr. *Cradock* a Divine, Chancellor to the Bishop of *Durham.*

Dr. *Lamley* is *accused* for *extorting* of *unlawful* Fees in Probate of *Wills*, &c. 2. For *vexing* of *men* with *impertinent*, *trivial*, and *idle* Causes, wherein men are

Dr. *Lamely* accused for Extortion and other Misdemeanours.

forced to *consume* their *time*, and *spend* their *Estates*: As for receiving *Money* on *Holidays*, he makes them pay 40 *s.* and upwards for a *Discharge*; the like of opening half a Shop-window; it cost another that came to *Church* on *Christmas-day* with a *foul* Band 54 *s.* and for *ommitting* of *Penance*, one *Bushell* paid 100 *Marks*, and desired it might be *imployed* to *Charity*; he said, *Charity* began at *home*.

One having *no* Sermon in his own *Parish*, went to a *Parish* where there was a *Sermon*; for *this* he was put to the *Oath ex Officio*, and *paid* 33 *s.*

Dr. *Cradock* accused for Briberies and other Misdemeanours.

V. As for Dr. *Cradock*, Chancellor of *Durham*, I must consider him in *three* Capacities, and apply the faults unto them *severally*.

First, He is *Chancellor* to the *Bishop*.

Secondly, He is a *high-Commissioner*. Thirdly,

Thirdly, He is a *Juſtice* of Peace.

1. As *Chancellor*, there are *two* Charges of *miſgoverning* himſelf.

In *refuſing* probate of *Teſtaments*, and granting *Excommunications* before *Citations*.

He takes *Bribes* on *both* ſides.

2. As a *high-Commiſſioner* of the *Quorum*, and ſo a *principal* man, ſending out his *Proceſs* for *Recuſants*; he *took* of one *Collyer* 20 *l.* for not appearing; of another 10 *l.* to ſhuffle up a clandeſtine Marriage, *&c.*

Laſtly, As a *Juſtice* of *Peace*, he *took* 100 *l.* for the *diſcharging* of a *Prieſt*; *Newton* killed one, he *compounded* for 100 *l.*

One *Allenſon* a *Batchellor* of *Divinity*, made one *Hanton* his *Executor*; within 10 days he granted Sequeſtration of the Teſtator's Goods; Dr. *Cradock* ſent them that took away his *Will*, opened his Desk, and took 6 or 7 Bags;

Bags; and having threatned them, the *Doctor* made 4 Sequeſtrators; the *Doctor* ſaith, he would ſeize the Goods of *Gilbert Hanton*, to the uſe of the *Biſhop* of *Durham*; he came as *Juſtice* of *Peace*, and committed *Hanton* to the *Conſtable*, to be forth-coming; the *Doctor* broke open another *Desk*, and took 30 *s.* in money; he made his *Warrant*, and ſent *Hanton* to the *Gaol*; he laid a *Fine* upon him of 50 *l.* *John Widowes* came to *Hanton*, and *mediateth* to the *Doctor*, for his Son's *Impriſonment*; he would give his Son 22 *l.* which he doth; the *Seſſions* indicted him by the *Oath* of D. *Soame*, becauſe they thought the *Fine* too *unreaſonable*; but the *Doctor* ſaid, that *the Lord of* Durham *would be angry with him.*

One *Clement* gave the *Doctor* 50 *l.* and a *Mare*, to have an *Adminiſtration* granted.

As he was a *Commiſſioner*, he took of one *Conyers* 20 *l.* of another

ther 59 *l.* and of two others 10 *l.* a piece, for *Adultery*; of another 8 *l.* As a *Juſtice* of *Peace*, for not *ſending* one to the *Gaol*, 100 *l.* For *Recuſancy*, of one *Tempeſt* for a *Murther*, 100 *l.* For *Adultery*, before the Party could free himſelf, 20 *l.*

Mr. *Alford.* The Oath *Ex Officio* in this manner; *one* having *no* Sermon, went to another, and he made him pay 23 *s.* for the *Oath*, and for the ſame *offence*; and he going to another Pariſh, *impriſoned* him. So the Journ. *l.*

Sir *Edward Cook.* No man *ſpeaks* againſt the *Juriſdiction*, but the *corruption* of *Spiritual* Courts, *Qui tollit abuſum, confirmat uſum*, For the Oath *Ex Officio*, there is an Act of *Parliament* that they may *give* it, and *Lay-men* may give it, in *ſome* caſes, not in *all.* And herein the *ancient* Common Law, agreeth with the *Canon* Law: in the 32 (*vel* 31) *Ed.* 3. there was a complaint againſt *Fees*: 2 *H.* 4. there

there was a Law to *reduce* them to their *ancient* Fees, for now they *exceeded:* For Cardinal *Wolſey* of his *devotion* and *charity* took for *probate* of my Lord *Compton's* Will, 100 *marks*; hence came the *Law* of 21 *H.* 8. *We have good Laws, but they are like Swords ſhut up in their ſheaths.*

Sir *Edward Bonſtead* he hath a *Petition* of the *Miniſters* of *Northamptonſhire*, the *people* have been ready to *riſe* againſt the *abuſes* in the *Eccleſiaſtical* Courts.

Kelway, Fo. 184. Mr. *Brook.* That the *Convocation* is not a *part* of the *Higher* Houſe, neither the *Biſhops* any part of the *Higher* Houſe, but are there as they have *Temporal* Baronies.

Mr. *Pym.* I would not have us ſend up to the *Lords* yet, till we have *examined* them; for their *guiltineſs* muſt be *ſtamped* here, before they *go* up to the *Lords.*

Mr. *Noy.* 8 *H.* 6. the *Clergy* and *Biſhops* are not to be *arreſted* going

going to the *Convocation*-houſe; we cannot *judge* them, but *complain* of them.

Mr. *Sherwin.* It is a *complaint*, and we muſt *examine* him, ſo that our complaint be certain, and not without great *deliberation* handled, that it may not be otherwiſe *proved*.

Sir *Nathaniel Rich.* That if the *Lords* will not *puniſh* thoſe, that we *complain* of, we will enter into *Judgment* our ſelves, which is our *ancient* courſe.

The Houſe would not ſend for the accuſed *Doctors*, becauſe they were of the *Convocation*:

1. To avoid *offence* to them of that *Aſſembly*.

2. Becauſe of the Stat. of 8 *H.* 6. which is thus: Foraſmuch as the *Prelates* and *Clergy* of the *Realm* of *England*, called to the *Convocation*, and their *Servants* and *Familiars* that come with them to ſuch *Convocation*, often times and commonly be *arreſted*, moleſted and

Raſtall's Stat. 8 H. 6. c. 1.

and inquieted; our ſaid Sovereign Lord the *King*, willing graciouſly in this behalf to provide for the *ſecurity* and *quietneſs* of the ſaid *Prelates* and *Clergy*, at the *ſupplication* of the ſame *Prelates* and *Clergy*, and of the *aſſent* of *Great men* and *Commons* aforeſaid, hath *ordained* and *ſtatuted*, that all the *Clergy* from *henceforth* to be called to the *Convocation* by the *Kings* Writ, and their *Servants* and *Familiars*, ſhall for ever hereafter fully *uſe* and *enjoy* ſuch *liberty* or *defence* in *coming*, *tarrying* and *going*, as the *Great men* and *Commonalty* of the *Realm* of *England*, called or to be called to the Kings *Parliament*, do *enjoy* and were wont to *enjoy*, or in time to come *ought* to *enjoy*.

Journ. Dom. Com. 19 Jac. Sabbathi 2 die Junii. Confirmation of the Order concerning all Patents adjudged Grievances

VI. The *Commons Houſe* of *Parliament*, in *Confirmation* of a former *Declaration* therein made, concerning the *ſtay* of all *Suits*, *Payments*, and other *Proceedings*, groun-

grounded upon any *Patent* or Commiſſion, *condemned* in the ſaid *Houſe*, as a *general* Grievance or *Inconvenience* to the *Subject*, until further *Order* and *Direction* given therein, hath this day again upon the *Queſtion Reſolved* it to be *fit*, that *none* of the *Patents*, Commiſſions, or other things *condemned* in this *Houſe* for *general Grievances* or *Inconveniences* to the *Subject*, ſhall be *put* in *execution*, until the *next* acceſs to *Parliament*.

VII. *It* is thought *fit* by the *Commons* Houſe of *Parliament*, that all *Suits*, *Payments*, and other *Proceedings*, grounded upon any *Patent* or *Commiſſion*, condemned in the ſaid *Houſe* as a *general Grievance* or *Inconvenience* to the *Subject*, ſhould *ſtay* till further *Order* and *Direction* to be given *therein*.

Journ. Dom. Com. Lunæ 26 Martii. Concerning all Patents adjudged Grievance.

VIII. It

Journ. Dom. Com. Sabbathi 17 Martii. Order pro *Churchill.*

March 21. Sr. *Robert Phillip*'s Reports from the Committee appointed to examine *Keeling* and *Churchill*, who informed them of many Corruptions againſt the Lord Chancellor.

April 25. A Committee for regulating the Chancery, and to conſider of *Churchill*'s falſe Orders, and the Faults of the reſt of the Regiſters. Sir *Dudly Diggs* ſaith, that *Churchill* was Regiſter, Councellor and Judge, referred to the Committee.

VIII. It is this day *Ordered* by the *Commons* Houſe of *Parliament*, that the *Serjeant* at *Arms* attending this *Houſe*, ſhall *attach* the *Body* of *John* Churchill, one of the *Deputy-Regiſters* of the *Chancery*, and him *ſhall* take into his *cuſtody*, and *bring* him to *this* Houſe upon *Monday* morning next, at 8 of the Clock; *and the ſaid Serjeant is in the mean time to keep him ſo, as none be ſuffered to ſpeak with him, but in the hearing of the Serjeant.*

To

IX. *To the Honourable the Knights, Citizens, and Burgeſſes of the* House *of* Commons, *in this preſent* Parliament *Aſſembled. The humble* Petition *of the* Mayor, Bayliffs, *and* Burgeſſes *of the* Town *of* Northampton.

Anno 19 *Jac.* A Copy of the Petition remaining with *William Gouldsborough*, Eſq; Clerk of the Houſe of Commons.

THat whereas your *Petitioners* have been, and ſtill are every way *conformable* to the *Kings* Majeſties *Laws* Eccleſiaſtical, yet have they for theſe *many* years been *ſubject* to the great *grievances* of *John Lamb*, Doctor of the *Laws*, Chancellor to the *Biſhop* of *Peterborough*, who not only *ſcandalizeth* the *Town* in general, as *factious*, *rebellious*, and *refractory* to his *Majeſties Laws*, but alſo *countenanceth* the *lewdeſt* fellows in the *Town*, in their *oppoſing* of the *Governours* and *Government*; and by *himſelf* and his *Surrogates*, *Regiſters*, *Proctors* and *Apparitors*, and *others* whom he

The Complaint of the Mayor, Bayliffs, and Burgeſſes of *Northampton*, againſt Dr. *Lamb*, Chancellor to the Biſhop of *Peterborough*.

M uſeth

uſeth as *Spies* up and down the *Town* and *Country*, citeth *men* and *women* to his *Courts*, upon *ſmall* or *no juſt* occaſion, but only to *enrich* himſelf and his *Followers*, keeping two *Courts* every fort-night for the moſt part, and carrying them away from the *uſual* place where they were wont to be kept, (as being moſt convenient) unto other ſmall Towns far *remote*; ſo that his Majeſties *Subjects* are conſtrained to *travel*, ſome twenty, ſome four and twenty miles and more, to their exceeding great *trouble* and *charges*, and to the hazarding of their *lives*; many being driven by reaſon of their *Courts* being kept ſo late in the night, by Candle-light to travel home in the night-time what weather ſoever be.

And he hath made his own *Brother* Regiſter, and keepeth the *Office* and *Records* in his own houſe, and there maketh *Acts* and *altereth* them at his *own* plea-

ſure,

ſure, and hath the moſt part of the *profits* of the ſame to *himſelf*, as is reported, his *Brother* only *bearing* the *name* of the *Regiſter*, but the *Chancellor's* own men for the moſt part ſupplying the *Office*; by reaſon whereof there is ſuch *pilling* and *polling* of the *Town* and *Country* continually, by *exacting* new *Fees*, and *extorting* great ſums of *Money* for *Probates* of *Teſtaments*, and *Letters* of *Adminiſtrations*, and by cauſing men to prove *Deeds of Gift* in their *Courts*, and to *examine* Titles of *Lands*, and to prove *Wills* there alſo, though they have been proved above in the *Prerogative Courts*; and by conſtraining Widows to give up *Accompts* of their *Adminiſtration*, ſeven or eight years after their *Husbands* deceaſe, *taking* five Nobles (at the leaſt) of every *one* for the *ſame*; by refuſing of *Wills* fairly *Ingroſſed*, and cauſing the *Regiſters* men to *write* them out *again*, and

ſo *putting* the *Country* to a *doub*
charge.

As alſo by *taking* great *ſums* o
Money of divers perſons for *Com*
muting of *Penance*, and not *be*
ſtowing it upon *charitable* uſes; by
Excommunicating of *men* for *h*
ing in the *company* of *others*, ſtand
ing *Excommunicated though they*
knew not of it, and taking *exceſſive*
Fees for the *ſame*; by *citing* men
and women to their *Courts* for
trifles, and taking *eleven groats*
Fee of every one, though they
clear themſelves; by *citing* ſome
to the *Courts* in the *Churchwardens*
names, without *their* conſent or
knowledge; by *delaying* of *Cauſes*
in the ſame *Courts*, eſpecially a
bout *Aſſeſſments* for the *repair* of
Churches, that it hath coſt ſome
Pariſhes 20 *l.* 30 *l.* 40 *l.* ſome
more, ſome leſs, before they could
have an *end* of it; by bringing
men to their *Courts* only upon the
Judges ſuſpicion, and there ten-
dring the Oath *Ex Officio*, upon
refuſal

refuſal whereof they have been *Excommunicate*, whereupon ſome have been driven to *Appeal*, which hath coſt ſome 2 *l.* ſome 10 *l.* ſome more, to their great *impoveriſhing*; by *citing* men and women to their *Courts*, for going to *another* Pariſh to hear Gods Word preached, when they had *no* Sermon at their *own* Pariſh-Church, and taking great *Fees* for the ſame; by *citing* men to their *Courts* for opening their *Shop-windows* upon a *Holiday*, though it hath been *Market-day*, as it hath been *accuſtomed*, and making men do *Penance*, and pay *Fees* for the *ſame*; and ſome for taking *Money*, and delivering of *Corn* upon *Holidays*, and for divers other *trivial* matters, making men to ſpend ſome 20 *s.* 30 *s.* 40 *s.* 50 *s.* ſome more, ſome leſs, to the *great* and *general* grievance of his *Majeſties* poor *Subjects*: *whereupon it is a general complaint, that it were far better for the Country to give his Majeſty*

Nota eſt Cyclopum vivendi ratio, quibus illa crudelis vox in Tragœdia attribuitur non ulla Numina expaveſco Cœlitum, ſed victimas, uni deorum maximo ventri offero, deos ignoro cæteros. In Præf. ad Covarru. opera.

an yearly Subſidie, then to be thus in continual vexation by the ſaid Doctor Lamb, *and his Officers under him:* in ſo much that there were ſo many *Petitions* put up by the *Country*, to the Honourable Sir *Edward Cook* Knight, ſitting as *Judge* in that *Circuit*, that the ſaid Doctor *Lamb* was *bound* to the *good behaviour* for the *ſame*, and *yet* the *grievances* offered by *him* are ſtill *continued*.

May it therefore pleaſe your *Honours*, in tender *conſideration* of the *premiſſes*, and in a *feeling* commiſeration of the *diſtreſſed Eſtate* of the ſaid *Town* and *Country* by that means, to take ſuch *ſpeedy courſe* for their *relief*, as to your *Wiſdoms* ſhall ſeem moſt *expedient*: And *they* and the *whole* Country ſhall *ever* be *bound* to *praiſe* God for your *Honours*, and to *pray* for your *proſperities*, &c.

Math. Sillesby.

Tho-

Thomas Martin's *Grievance.*

1. *Thomas Martin*, late of *Northampton*, being of the *Pariſh* of *All Saints*, was preſented into Dr. *Lamb*'s *Court* by *William Harriſon*, and *Arthur Smith*, Churchwardens of St. *Giles*'s Pariſh, both *common* Drunkards; one of them upon *Record*, by the *advice* and *practice* of Mr. *Stockwell* the *Proctor*, upon a *Fame*, that he *having* in his hand a *Capons Rump*, ſhould *ay*, it would make as good a *Churchwarden* as the *Churchwarden* of St. *Giles*'s; Mr. *Martin denyeth* that he ſpake any ſuch *words*, and could never have his *Accuſer* come in; and if there were any *ſuch* Fame, themſelves *raiſed* it in an *Ale-houſe*.

2. They *preſented* him likewiſe upon another *Fame*, that the ſaid Mr. *Martin* ſhould in the *Church-Porch* of St. *Giles*'s, violently thruſt upon the *Wife* of *Humphry*

Hopkins, being with *Child*, to the *danger* of her *life* or the *Childs*.

The *ground* of this *Presentment* was this: Mr. *Bird* being *presented* to the *Viccaridge* of St. *Giles*'s, at his *Induction* there was an *horrible Riot* committed in the *Church*, by the *means* of Mr. *Sibthorp*, (as was supposed) against Mr. *Bird*, and *one* base *Fellow* tript up Mr. *Bird*'s heels, and *threatned* to *kill* him, if he would not *deliver* up his *Box* of Writings; Mr. *Martin* being *Mayr* was called for by the *Constable* to come to prevent *Murther*, where he found the *Church*-Porch full of the *basest* People of the *Parish*, and going into the *Church*, perhaps some of his *Officers* might thrust some out of his way; but the *Woman* protesteth, that *he* never did her *hurt*, neither did *she* say so, neither could *they* perswade her *Husband* to bring an *Action* against him at the *Common-Law*, though *they* often *urged* him there-

Nota.
Dr. *Sibthorp.*

thereto, and ſo *they* took this *courſe* in the *Spiritual* Court; yet the *Riotters* were never *preſented* into the *Spiritual* Court, becauſe they were *Amici Curie.*

Upon theſe *Preſentments* Mr. *Martin* was *cited* to appear at *Rowell*, 10 miles from *Northampton*, 2 years after the *pretended* Offences; but being *detained* about the *King's Service*, retained a *Proctor* to *appear* for him; *but* the *Chancellor* ſaid, it was a *matter* of *Office*, and therefore would *admit* no *Proctor* to *appear* for *him*, and preſently *excommunicated* him; whereupon he was forced to *appeal*, and ſince hath *uſed* all the *means* he could to have an *end* of this *Buſineſs* by ſome *Friends*, who wiſht him to *yield* to the *Doctor*, or elſe he would *weary him out*; ſo that he was forced to give him 50 *s.* and paid alſo 3 *s.* 8 *d.* for his abſolution, and yet can get no end of it to this day, but is in danger to be called

called again, though it hath cost him 10 *l.* already.

3. Also a *Sister* of the said Mr. *Martins*, dwelling at *Leicester*, and coming to *Northampton*, was *desirous* to go to St. *Giles's* Church, to hear Mr. *Bird* preach, and *requested* one of Mr. *Martin's Prentices* to accompany her to the *Church*, which he did, and they both went thither, and there staid *Divine Service* and *Sermons*: For *this* the *Apprentice* was *cited* to the *Court*, and there troubled from one *Court* day to another, from *Northampton* to *Rowell*, 10 miles off, to the great *hindrance* of his *Master*; and at *length* they *enjoyned* him to pay 3 *s.* 8 *d.* which for *fear* of *Excommunication* he was *forced* to *borrow*, and so to *pay* them: And *she* was *threatned* by the *Chancellor*, that he would make her keep her *Brother's* Parish-*Church* when she came to the *Town*.

4. And because Mr. *Martin*, and

and divers other *Townſmen*, refuſed to give him *their* Voices, to be one of the *Burgeſſes* of *Parliament* for *Northampton*, (which he would fain have obtained both by *fair* means and *threatnings*) he *preſently* cited *many* to the *Court*, and there *troubled* them. And *amongſt* the reſt, the ſaid Mr. *Martin*, having about 3 years paſt, by the *Conſent* of the *Miniſter*, *Churchwardens*, and *Pariſhioners*, built a *Seat* in the *Church* for his *Children* and *Servants*, for their better hearing of *Divine Service* and *Sermons*, was *cited* before him about the ſaid *Seat*; and the *Chancellor* took it away from him moſt *unjuſtly*, (having coſt him 3 *l.* building of it) and gave it to 3 of the *ſtubborneſt* Fellows in the *Town*, all *oppoſers* to *Authority*, and one of them for his vicious life bound over to the *Seſſions*, and put out of the *Common-Counſel* of the *Town* for the ſame, and ſince preſented into the

the *Spiritual* Court, for *Incontinency* with 2 Women; and yet Mr. *Middleton*, one of the *Surrogates*, graced him *publickly* in that *Court*, and ſaid, *he was thruſt out of the Common-Councel for his honeſty*.

15 May, 19 *Jac.* *Thomas Martin.*

The Speaker's Order upon the Petition. *Lamb*, Doctor in the Civil Law.

Whereas divers *Complaints* have been made againſt *John Lamb*, *Doctor* in the *Civil Laws*, Chancellor to the *Biſhop* of *Peterborough*, for divers *Extortions*, *Oppreſſions*, and *Miſdemeanours*, by him and his *under* Officers committed, in the *execution* of the ſaid *Office* in the ſaid Dioceſs, and elſewhere. And whereas alſo it is *informed*, that you whoſe Names are hereafter ſet down, can *teſtifie* mutually againſt the ſaid *John Lamb*, Theſe are therefore by the direction, and on the behalf of the ſaid *Houſe* of *Commons*, to require you and every of

of you, that you make your perſonal appearance at the ſaid *Houſe* of *Commons*, the 29th. day of this inſtant *Month* of *May*, to teſtifie your knowledge in the premiſſes: Thereof I *require* you not to fail, as you will *anſwer* the *contrary* at your *perils*. Given under my Hand this 15th. day of *May*, 1621.

And it was further Ordered, that *Robert Sibthorp*, and *Richard Stockwell*, ſhould be ſent for, as Delinquents.

X. Mr. *Glandvile* reports from the *Committee* of *Priviledges*, the *Election* of *Monmouth*, and by an *Order* from the Committee, *Monmouth* was heard yeſterday: And they received this morning a *Petition*, that Mr. *Walter Steward* was *returned*, and that they think his *Election* not good: They object againſt him, becauſe a *Scotchman*, and not *Naturalized*. He forbore to come into the *Houſe*, till

Journ. Dom. Com. 21 *Jac.* 10 Martii. The Caſe of Mr. *Steward*, a *Scotchman*, elected to be a Member of Parliament, but rejected, becauſe a Denizen.

till he had *leave*. The *Caſe* of one *Lennis Monck*, a *Denizen*, returned and *ſate* here; and ſo Sir *Horace Palavicino*. The *Committee* delivered *no* opinion in it: Two *Orders* and two *Petitions* delivered in, to have theſe *heard* in order as they come in.

Reſolved that thoſe which are already in, ſhall be proceeded in, in order as the *Petitions* were delivered.

Mr. *Glandvile* thinks Mr. *Steward* ought *not* to ſit here, *becauſe* at the time of his *Election* he was *uncapable* of it; he that is made a *Denizen*, is not as an *Engliſhman*, *That* but only *perſonal*.

Sir *Dudley Diggs* in that Parliament when *Bacon* Attorney was in *queſtion*, whether he ought to ſit *here* or no, *Over-ruled* he ought *not*; yet in favour of him he was *ſuffered* to ſit here, and an expreſs Order *that never any other Attorney after ſhould*. To do the like by this *Gentleman*.

Sir

Sir *Edward Cook*. No *Alien Denizated* ought to ſit here:

Tros Tiriuſque mihi nullo diſcrimine habetur.

the other paſſed *ſub ſilentio*. Some ſit here that are *under* age, and ought *not* to ſit here, becauſe *not* queſtioned.

Reſolved that Mr. *Steward* hath dealt very worthily in forbearing to come and ſit in this Houſe.

Veneris 28 Maii.

Mr. *Glandvile* goes on with his *Report*: *Reſolved* upon *Queſtion*, the Election of Mr. *Walter Steward* being *no* natural *born* Subject, is *void*, and a *Warrant* to go for a new *Writ* for *Monmouth*.

Journ. Dom. Com. 21, 22 *Jac* Regis, Veneris 7 Aprilis. The Caſe of the Lady *Darcy*, againſt the Biſhop of *Lincoln*, Lord Keeper of the Great Seal of *England*.

XI. Sir *Robert Phillips* reports from the *Committee* for *Courts* of *Juſtice* 3 *Heads*: Firſt, The *Petition* of the *Lady Darcy*; in it is a *Recital* of her Husband's dying ſeiſed of the *Manor* of *Sutton* in *Surrey*, with the *Advowſon*; a Grant was made to her and another by the *Court* of Wards, of the

The Lady and another were Grantees of an Heir by the Court of Wards Then preſented a Clerk to the Biſhop of *Lincoln*, but refuſed, who preſented another. The Lady ſues for a Writ of *Quare impedit*. The Curſitor denies it by Order of the Biſhop being Lord Keeper. Whereupon ſhe complains to the Commons, who refer it to a Committee. Debates in the Committee.

the *Body* and *Eſtate* of her Son, 1 *Aug.* 21 *Jacobi*, the *Incumbent* died; ſo ſhe *preſented* her Clerk to the *Biſhop*; ſo the *Lord Keeper*, 3 *Septemb.* preſented Doctor *Grant*, the *King*'s *Chaplain*. She was *adviſed* to ſeek her *ordinary* Courſe by a *Quare impedit*, which was denied by the *Curſitor*, who *ſaid*, the *Lord Keeper gave directions for it* to be ſued to the *King*, deſires of this *Aſſembly* to have *relief*; this Petition was *retained* by the *Committees*, Parties on both ſides *appeared*, and *Councel*.

It came into *queſtion*, whether an *original* Writ might be *ſtayed*; the *Lawyers* vouched ſome *Preſidents* for *it* in *Chancery*; the *Committee concluded* theſe were not *proper* in the *Cauſe*, and not to be *followed*, deſires an *Accommodation* of this *Buſineſs* between the *Lady* and the *Doctor*; they gave a time, for yet they are clearly of opinion, that the *Lady* had

had *loſt* her *Right*, and to the *Heir* doubtful for him.

Propoſals by D. *Grant*, whom the Biſhop and Lord Keeper had preſented.

They received a *Petition* from Dr. *Grant*, who made *four proffers*: Firſt, he would willingly go to a *Tryal* with this Lady, without taking advantage of *lapſe of time*: If that could *not* be, he would *paſs* an *Act of Parliament* to ſet her *in ſtatu quo*: 3ly. would *refer* it to *four Judges*; to *ſix Lawyers* of this *Houſe*, if they ſhould ſay the *Right* was hers, he would *reſign*.

The Lord Keeper's Anſwer and Excuſe.

The *Committee* had an *Anſwer* from the *Lord Keeper* of *two* parts: Firſt, for the *denial* of the *Quare Impedit*, not his *purpoſe* to *juſtifie* it, but to *extenuate* his *proceedings* therein. A *Queſtion* there was between the *two* Courts, and no good *correſpondency* between the *Judges*; it was preſently after his *coming* into the place, neither *corruption* nor *malice* was in his *proceedings*: he offered a *Living* equivalent of this, to the *Lady*:

he would ſatisfie the *Lady* by any means this Houſe ſhould *direct*, and would *labour* to get a *Grant* from his *Majeſty* to ſell to the *Heir*; he had *never before*, nor *would do the like*; and *returned thanks to the Houſe*, for their *favourable Interpretation* of this his *Error*.

The Lady will ſtand and fall by the Judgement of the Houſe.

The Lady *Darcy* gave a *Negative* Anſwer to all; ſhe had *appealed* to the *Houſe*, could find no *better* Judgement, and to *this* ſhe would *ſtand*.

Conſiderations in the Committee.

The *Committee* took *two* things into their *conſideration*, the Ladies *own* particular, and the *publick*. For the *firſt*, they thought it the *ſafeſt* way to put in a *Bill*; ſhe was ſatisfied with this anſwer: For the *ſecond*, the *denial* of the *Writ*, divers *propoſals* made, but at laſt *reſolved* to preſent it to the *Houſe* without any *Opinion* of theirs, touching the *Offence* and *Error* of the *Lord Keeper*, was directed to *report* the whole Narrative to the *Houſe*.

Who delivered no Opinion, leaving all to the Houſe.

Mr.

Mr. *Brook* ſaid, he had never any *perſon* in admiration for *advantage*, had read the *Law*, there is a *Market* overt of the *Law*, the *Common Pleas*, and the *Chancery*, the Shop of Juſtice, the *Chancery*. Firſt, *No* doubt it's a *great* fault to deny an *original* Writ in the *Chancery*, but *not* ſo *much* as to *deny* a *Fine* in the *Common Pleas*; juſt Excuſe, and the offer of *Amendments*, doth much *extenuate* the *Offence*, which is but *ſingular*; the *Lord Keeper* might do this, to *vindicate* his *Right* from the *Uſurpation* of the *Court* of Wards; it cannot ſtand with the Gravity of this Houſe to *tranſmit* it; a man for one ſingle offence; *this will be admonition enough to him, that it hath been thus agitated in this Houſe.* *Nota.*

Debates in the Houſe by ſeveral Members thereof.

Sir *James Parrot* argued the *offence* of the *Lord Keeper*, in the *denial* of an *original* Writ; ſome Excuſes are alledged: Firſt done within a ſhort time after he came

in *ignorantia Juris*, in a Judge.

Another Excuſe offered; a Contention between *two* Courts; this rather aggravates than extenuates his offence; being his own Caſe, he ought not to have ſtayed Juſtice; this thought a *ſole* fault, yet a *great* fault; But he thinks it not a ſole fault.

He is informed, that there are *more* Faults of the *like* kind objected to the *Lord Keeper*: Propoſed,

To have that *examined*; then it will be a ſole fault; two other Petitions before the Committees before the *Lord Keeper*, of Mrs. *Thomas*, and Sir *Francis Fuliambe*; to have theſe *two* fully *heard* to morrow, and *then* to grow to a *Reſolution* of this; in the mean time to have the *Curſitor* examined about the other, whether another *Quare impedit*, or *Ne admittas* was not *denied*.

Sir *Thomas Hobby* moved to begin in *order* with the parts of the

Re

Reports: First, To the *Writ* that which is amiſs in the Inheritance, and then to conſider of the *Faults*, to have the Bill read.

Mr. *Price* alledged, no *corruption* nor *ill* intention appears in the *Lord Keeper*; a *difference* between things *evil* in themſelves, and *evil* by *ſucceſs*; the *Lord Keeper* came *young* to his *Place*, and from a *ſtrange* ſpeculation, and found *this* Preſident; therefore to have ſome courſe taken to *right* the *Lady*, and to *limit that vaſt Court*.

Mr. Sollicitor thinks the *Anſwer* of the *Lord Keeper's* very *fair* and *ſatisfactory*, if it be rightly *underſtood*; and ſo the Debate went off.

The Debate goes off.

XII. Sir *Edward Cook* reports from the Committee of *Grievances*, a *Complaint* againſt the *Biſhop* of *Norwich*; the *charge* is *great* and *ſtrange*, conſiſting of *four* parts.

Journ. Dom. Com. 21 & 22 *Jac.* Regis, Veneris 7 Maii, 1624. The Caſe of the Biſhop of *Norwich*, impeached by the Commons.

The first head of his Charge.

First, the *City* of *Norwich* having 34 *Parishes*, he sent for the *Preachers* of the City, and *told* them *they* had *preaching* enough, and the *morning* preaching *needless*, wished them to *cease* the *Mornings* Exercise: this aggravated by divers Circumstances, a *Letter* written to him by the *Metropolitan*, about the *Kings* pleasure for *preaching* after this his *Inhibition*; the *Cathedral* Church, the *Elbow* of the *City*, not above 2000 can *hear*, yet all to come thither, above 20000 people in *Norwich*.

The second head.
Vide Rot. Parl. 17 *E.* 3. n. 59, 60
Vide *Pult.* Stat. 35 *E.* 1. fo. 92.
Fox vol. 1. f. 501
Rot Par. 21 *E.* 3 n. 1. 63.
The Stat. of Provisors, 25 *E.* 3. *Rast.* f. 98
Rot. Par. 38 *E.* 3
Rot. Par. 47 *E.* 3 n. 30.
Rot. Parl. 3 R. 2. n. 37.
Rast. Stat. 16 *R.* 2. cap. 5.

The second head. Vide Rot. Parl. 17 *E.* 3. n. 59, 60 Vide *Pult.* Stat. 35 *E.* 1. fo. 92. *Fox* vol. 1. f. 501 Rot Par. 21 *E.* 3 n. 1. 63. The Stat. of Provisors, 25 *E.* 3. *Rast.* f. 98 Rot. Par. 38 *E.* 3 Rot. Par. 47 *E.* 3 n. 30. Rot. Parl. 3 R. 2. n. 37. *Rast.* Stat. 16 *R.* 2. cap. 5.

The second, * There came up *Images* and *Crucifixes*, counted *Laymens* Books, and the *Lord Bishop* blessed those that set up those *Ornaments*; a *Dove* in the *Font*, fluttering over the *water* to *Sanctifie* it. *Rot. Parl.* 18 *E.* 3. *num.* 32, 33, 34. the *Commons* dealt with the *Provisors*, they complained they had not *Spiritual food*, for *Cardinals* put into Churches *Shoe-*

Shoemakers and *Taylors*. 50 *E.* 3. called *bonum Parliamentum*, a complaint of the *Popes uſurpation*,

Item, The King at the prayers of the Commons, ſhewing to him by Petition, how that *Prieſts* become very ſcant after the Peſtilence, to the great grievance and oppreſſion of the People, hath ſpoken to the Archbiſhop of *Canterbury*, and the other Biſhops, being in the *Parliament*, to ſet thereupon a Covenable remedy; which Archbiſhops and Biſhops, at the motion of the King, and of the great men, ſaid in the ſame Parliament, that they have thereupon ordained in certain; that is to ſay, That the pain of Pariſh-Prieſts, by any manner of colour, receiving above 6 Marks, and other yearly ſinging, and not *intending* the *Cure* of *Souls*, taking above 5 Marks, without the Biſhop's diſpenſation, and ſuſpenſion of their Office, if they within the Month make not reſtitution, to the uſe of the Church in which they ſing, of that that they have above received. And the pain of People of holy Church, giving above 6 Marks or 5 Marks to Pariſh-Prieſts, or other yearly ſinging, as afore is ſaid, is to pay the double of that that they do exceſſively pay, to be converted to the uſe of Alms, at the Arbitrement of the Dioceſan of the Place; and all manner of Prieſts, intending their proper Service, as yearly ſinging, ſhall ſerve the Pariſhes, and be attending to the *Cure* of Souls, as he by the Ordinaries of the Place, or by them to whom he attaineth, ſhall be required, upon pain of ſuſpenſion of their Office, which they ſhall incur upon the deed, if they within the 20 days after that they ſhall be required, be not obedient to ſuch requeſts. And that no Prieſt, paſſing from one Dioceſs to another, ſhall be received there to ſing Divine Service, unleſs he ſhew to the Dioceſan of the Place, Letters commendatory, of the Biſhop in whoſe Dioceſs he laſt before dwelled. Wherefore the *King*, by the *Aſſent* of the *Great Men* and *Commons*, hath ordained, That if any ſecular men of the Realm, pay any more than *Five Marks to any Prieſt yearly in Money*, or in other things *to the Value*; or if he *pay to ſuch Prieſt*, retained to abide at his Table, above 2 Marks, for his Gown, and his other Neceſſaries, (his Table accounted to 40 *s.*) and thereof be attainted, he ſhall pay to the King fully as much as he paid to the ſaid Prieſt. *Raſt.* Stat. de Anno 36 *E.* 3. fol. 118. cap. 8.

not feeding the Flock; *Rome* called the *Sinful City*, and that all the *Ill* that hath befaln this Kingdom, hath come from thence. 17 *R.* 2. *num.* 22. 11. *H.* 4. and a great many more *Presidents*; so that this *complaint* is proper for this place.

The 3d. head. The third was, *Extortion* by orders of the *Archbishop*; and by their own *Canons* the *Fees* set down, these very much exceeded.

The 4th. head. 4. *Old Institutions* now registred, which is very dangerous for *disherisons*. They have not heard his *defence*. 40 *E.* 3. *inter Brevia*, a complaint against the *Bishop* of *Hereford* for *Non-residency*, not lying within his *Diocess*; all *Bishops* ought to be *Resident*, unless they be in the *Kings Service*: where the *People* are not taught, the *King* hath but half Subjects; the readiest way to make *Rebellions*. The Committee thought it worthy to be *transmitted* up to the *Lords*. *Re-*

Reſolved upon *Queſtion* without a *Negative*, That this matter ſhall be *tranſmitted* up to the Lords, Sir *Edward Cook* to do it, and a Meſſage to be ſent to the Lords for a *Conference* about it.

The *Commons* deſire their Lordſhips for a Conference, touching ſome *Accuſations* againſt the Lord *Biſhop* of *Norwich*, (unto whichhis *Loraſhip* hath not yet been heard) Humbly leaving the time and place to their *Lordſhip*.

Die Sabbathi, viz. 8 die Maii, 1624. Jour. Dom. Proc. Meſſage from the Lower Houſe, by Sir *Coke*, and others

The Lords appointed the 15*th*. of this Month to confer with the *Commons*, touching their *Complaint* againſt the Lord *Biſhop* of *Norwich*; being returned, the Lord Arch *Biſhop* of *Canterbury*, reparted the ſame to the *Houſe* to this effect, *viz.*

Die Mercurii, 19 Maii. The Lords appoint a day for Conference with the Commons.

That the *Commons* had received a Complaint exhibited by the *Citizens* of *Norwich*, againſt the ſaid Lord *Biſhop*, and to ſhew that it was ordinary for the *Commons* to complain of the *Governours*

The Archbiſhop of *Canterbury* reports the heads of the Conference.

Authorities for the Power and Right of the Commons to meddle in this Cauſe.

nours of the *Church*, divers *Records* of *Parliament*; were *cited*, *viz.* *Anno* 25 *E.* 3. 17 *R.* 2. and 11 *H.* 4. all which were *cited* to ſatisfie *tacite objectionis*, for their medling with a cauſe of this nature.

Their Charge againſt the Biſhop under ſix Heads.

That the charge againſt the Lord *Biſhop* conſiſted of ſix parts.

Preachers.

1. That he *inhibited* or *diſhartned* *Preachers* on the *Sabath day*, in the *Forenoon*.

Images.

2. That *Images* were ſet up in the *Church*, and one of the *Holy Ghoſt*, *fluttering* over the *Font*, and a Marble Tomb pulled down, and *Images* ſet down in the room, and the *Biſhop bleſſed* them that did it.

Prayer towards the Eaſt. Catechizing, and ſinging Pſalms.

3. That he *puniſhed* thoſe that Prayed not toward the *Eaſt*.

4. That he *puniſhed* a Miniſter for *Chatechiſing* his Family, and *Singing* of *Pſalmes*.

Nota.

Extortion.

5. That he uſed *Extortion* many ways.

Inſtitutions not entred.

6. That he did not enter *Inſtitutions* to the *prejudice* of Patrons.

For

For the *first*, it was ſaid that there was 34. *Churches* in *Norwich*, and in thoſe Pariſhes 30 or 40000 People; That the Lord *Biſhop* ſent for the *Preachers* by *Apparitor*, and told them there was *no* need of *Preaching* on *Sunday* in the *Forenoon*, except in the *Cathedral* Church, where 2 or 3000 only could hear, many dwelling three quarters of a Mile off, and many being old, and not able for their Age to come ſo far. The 1ſt. head concerning Preachers.

That this *Inhibition* was, when the *King* had commanded more Preaching. That his *Lordſhip* connived at *Recuſants*: All which was to the *diſheartning* of good *Profeſſors*.

It may be objected, his *Lordſhip* allowed of *Catechizing*, *ergo* no *Preaching* neceſſary; but he commanded to ask bare Queſtions, and nothing elſe, *ergo* no Inſtructions.

That this is done againſt the *Canons* of the *Church*; and that there

there is no obedience without knowledge; the outward man is not conformed, unleſs the inward man be reformed, and cited the Canons, *Quicunque contriſtaverit Doctorem veritatis, peccat in Chriſtum*; and the Canon, 1 *Jac.* c. 45. for Command of Preaching,

The 2d head touching Images.

For the 2d. touching the ſetting up of *Images*, it was ſaid to be againſt *Acts* of *Parliament*, againſt the *Canons* of the *Convocation*, the Book allowed in the King's time of 28 *H.* 8. c. 30. againſt *Images*; Pilgrimages will follow, againſt 3 *E.* 6. and the Homilies approved, *Anno* 1 *Eliz.* forbidding of Images in Churches.

The 3d. head concerning Prayer towards the Eaſt.

The 3d. for *Prayer* to the *Eaſt*, which *Gratianus* affirms, came by Tradition, *part* 1. *Decret.* 11. and that it is Superſtitious, *Lingwood* in his *Gloſs. Lib.* 2. Title *de Feriis*, *non refert ſi verſus orientem*, &c.

That the Lord *Biſhop Excommunicated* many, and *enjoyned* Pe-

Penance to divers for not *Praying* to the *East*, and ſome did their *Penance*, with a whith Rod in their hand for proof, whereof it is under the Biſhops hand.

The fourth, one *Peck* a Miniſter *Catechized* his Family, and ſong *Pſalms*, and his Neighbours came in on the *Sundays* after Evening Prayer, and the Lord *Biſhop* enjoyned them to do *Penance*, for this their reſorting to *Catechiſme*, and ſinging of *Pſalms*, and to ſay, I confeſs my *Error*; which Acknowledgment is under the *Biſhops* hand, they which refuſed, were *Excommunicated*, and *paid* 7 *l.* charges. The 4th. head touching Catechizing and ſinging Pſalms.

5. Touching *Extortions* was ſhewn, That in the *Table* of *Fees*, is ſet down, from *Inſtitutions* 24 *s.* 8 *d.* whereof to the *Biſhop* 10 *s.* That this Lord *Biſhop* is *Regiſter* alſo; and now his Lordſhip taketh for *Inſtitutions* 3 *l.* 5 *s.* and for united *Churches* double, *viz.* 6 *l.* 10 *s.* and that *Communi-* The 5th. head touching Extortion.

bus

bus Annis, there are 100 *Inſtitutions*.

For *admiſſion into ſacred Orders*, *nothing ſhould be taken*; *if any, it is Symony*; yet the Lord *Biſhop* hath now *taken* 30 *s.* or 28 *s.* the *Biſhop* and *Regiſter* being all *one*.

To *ſerve* Cure, 5 *s.* is *due*, his *Lordſhip taketh* 6 *s.* 8 *d.*

To teach *School*, 3 *s.* 4 *d.* his *Lordſhip taketh* 6 *s.* 8 *d.* and if of *ability*, 10 *s.*

For every *Conſignation* of a *Decree*, 4 *d.* which cometh to 3 *l. per annum*, for which there ſhould be *nothing* paid, *no* Conſignation being in the *Table*, but with another Hand ſet down in Archbiſhop *Whitguift*'s Hand.

The 6th. head touching non-Regiſtring of Inſtitutions.

Sixthly, That the *Inſtitutions* to *Benefices* are not *regiſtred*, which *overthroweth* Patronages, if it be returned, *Scrutatis Archivis non invenitur*, when the Right comes in queſtion; yet the *Fees* are greater than *before*.

The

The Commons concluded with theſe *two* Remembrances. The *firſt*, That they received this *Complaint* before *Eaſter* laſt, yet they *proceeded* not in the *Examination* thereof, till they received a Certificate of the *Mayor* of *Norwich*. The *ſecond* is, That there is a Law that none ſhall be *puniſhed* for *complaining* in *Parliament*. The Concluſion of the Commons.

This *Report* ended, the Lord *Biſhop* of *Norwich* ſtood up in his place, and anſwered the ſame to this effect, *viz.* The Biſhop ſtood up and Anſwered the Charge of the Commons. His Introduction.

The Anſwer of the Lord Biſhop of Norwich, *to the Complaint of the* Commons.

Firſt, his Lordſhip confeſſed the Charges in the ſaid Complaint to be ſo great, and ſo grievous, that, were he *guilty* thereof, he would deſire himſelf to be puniſhed: Which, whether he be *guilty*, or not, he will leave to their

their *Lordſhips* moſt exact and ſevere *Examinations*; wherein he deſired them not to ſpare him, and he would ever acknowledge and commend their Juſtice and Honour.

His Lordſhip *proteſted* he was *not* way *guilty* of the *firſt* part of his *Accuſation*; If he were, then he was *unworthy* to bear the *name* of a *Clergy-man*; and ſhewed the *unworthineſs* of ſuch as ſhould *diſhearten* Preachers from Preaching the Word of God: His Lordſhip ſhewed alſo, (deſired firſt that he might not be taxed with Oſtentation,) his own Practice in Preaching, while he was *Vicar* and *Parſon*, That he Preached every *Sabbath* in the Morning, and Catechized in the Afternoon, and that he continued the like in *Chicheſter*, when he was *Biſhop* there.

That in *Norwich* he never miſſed the publick Place, and ever Preached there againſt *Popery*, though

though he had been an unprofitable, yet he had not been an *idle* Servant, which was now his *only* comfort.

As touching *Preaching* and non-*Reſidents*, he hath been reckoned more than half a *Puritan*. His *Lordſhip* remembred his manner of leaving his Service with the late Lord *Archbiſhop* of *Canterbury*, that he might *go* to his *Cure*.

His *Lordſhip* wondred why *he* ſhould be thought a *Papiſt*; he thought it might be long of his *Diſputation*, and his *Sermon* at *Paul*'s Croſs of *Predeſtination* negative, unadviſedly preached by him, for which he was *checked* by the Lord *Archbiſhop Whitguift*, and commanded to preach no more of it; and he never did; though Dr. *Abbot*, *Biſhop* of *Sarum*, hath ſince declared in Print, that which he then preached to be no *Popery*; *That Popery is a fire that will never be quiet*: He hath preached 100 Sermons ſince,

and nothing of *Popery* can be imputed unto him out of any of them.

That there be divers *Obſtacles* to keep *his* Lordſhip *from* Popery.

1. The *Uſurpation* of the *Pope* of *Rome*. His *Lordſhip affirmed*, That no Power on Earth can touch a Prince; and that therefore he *abhorred* the Uſurpation of the *Pope* over *Princes*.

2. Their *Religion* is *dyed* with *Blood*. The practick *courſe* of their Religion is all by *Jugling* and *feigned* Miracles, of which his *Lordſhip* had *written* a *Book* againſt them, which was *never* yet *anſwered*.

3. That he *never* ſpake with *Prieſt* or *Jeſuit*, nor ever *invited* a known *Recuſant* to his *Table*, for they never ſay *Amen* to our Prayers.

4. That their *Equivocation* is the *laſt*, worſe than which *nothing* can

can be; *his Lordſhip held it much better to talk with the Devil, than with ſuch.* Then his *Lordſhip profeſt* himſelf to be a *true* Member of *this* Church, and acknowledged the *Church* of *England* to come *neareſt* to the *Primitive* Church; that we fetch not our *Reformation* from *Wickliff*, *Hus* and *Luther*, of later Times, but from the *firſt* 400 years next *after Chriſt.*

1. As touching the *firſt* part of the *Accuſation:* His Lordſhips anſwer to the firſt head, Preachers.

His *Lordſhip confeſſed*, That 6 or 7 of the abler ſort of *Miniſters* in *Norwich*, uſed to *expound* in their own *Churches* before the Sermon begun in the Cathedral Churches, and many reſorted from other Places to thoſe Expoſitions, (for all the Churches have not Preachers,) and in the Afternoon to their Sermons.

The *Preachers* themſelves *found* fault with *this*, being willing to be rid of the *pains*, as his *Lordſhip thought*; for they were to

preach in the *Afternoon*, and in the Week-days, and ſhewed him many *Diſorders* therein, which they *pretended*; as the *cutting* off part of the *Prayers*, or their beginning ſo *early*, that many could not come to the *Common* Prayers, and the like; and they *beſought* his *Lordſhip* to *remedy* it, for that they being but *ſtipendary* men, were *loth* to do it, for *fear* belike to *loſe* their *Stipends*. Whereupon his *Lordſhip ſent* for *them* by an *Officer*, and willed them to *omit* thoſe *Expoſitions* in the *Forenoon*; and yet his *Lordſhip* hath ſince *taken* order for the erecting of *three* Sermons, in the moſt remote *Places* of the *City* from the Cathedral Church; and his *Lordſhip* hath *erected* many *Lectures* in ſeveral *Places* in the Countrey.

His anſwer to the ſecond head, Images.

2. As *touching* the *Images* in the *Church*, what was *done* is done *without* his knowledge. It is meant by St. *Peter*'s Church, that his

his *Lordſhip* never ſaw that *Church*, till one Evening as he came by; and being often before informed of much Coſt done upon that *Church*, he went in, and *kneeled* down to his *Prayers*, as his uſe is; and when he roſe up, *perceiving* that they had beſtowed *very* great *Coſt*, and not ſeeing or knowing at all of any *Image* ſet up there, he *ſaid*, *God's Bleſſing on their hearts, that had beſtowed ſo much Coſt on God's Houſe.*

His anſwer to third head, Prayer towards the Eaſt.

3. As touching *Prayer* to the *Eaſt*, he never *enjoyned* it, nor *heard* of it till *now*.

His Anſwer to the 4th. head, Catechizing, and ſinging Pſalms.

4. For the 4th. part of his *Complaint*, he perceiveth, That he hath been *ſifted* for the whole *courſe* of his Life: That this *Peck* was ſent to his Lordſhip by the *Juſtices* of the *Peace*, for an Aſſembly late at night in his Houſe, his *Catechizing* being but a *colour* to draw them *thither*: That this *Peck* had infected the *Pariſh*

with *ſtrange* Opinions; as not to *kneel* when they came to *Church*; that the Name of *Jeſus* is no more than a *common* Name, and that it is *Superſtition* to bow down at the Name of *Jeſus*. His Lordſhip further *affirmed*, That this *Peck* had been formerly *convicted* for *non*-Conformity, *Annis* 1615, & 1617. and for *Symony*, and *Conventicles* in his Neighbour's houſe, as appears by the Acts of the Regiſter, *Fatetur*.

And that *Anno* 1622. he was taken in his Houſe with 22 of his Neighbours at a Conventicle: That he was now bound over by a *Juſtice*, and ſo brought to his Lordſhip, and his *Sentence* againſt *Peck* was only, That he ſhould *confeſs* his Fault.

The others mentioned in this part of the Charge, were puniſhed for their *Opinions* alſo, making *no* difference between an *Ale-houſe* and the *Church*, till the Preacher be in the Pulpit. His Lord-

Lordſhip ſaid, He much confeſſed his fault, that in the Penance he enjoyned them, he cauſed them to confeſs their Errors, omitting their reſort to Conventicles, which he did at their own earneſt ſuit.

5. His Lordſhip *abſolutely* denied, That he *improved* any *Fees*, and *affirmed*, he hath *not* any of thoſe *Fees* that are complained of, *only* the *Fee* for *Inſtitution*, which he *took* as his *Predeceſſors* did; if therein he hath *committed* any *Error*, *Erravimus cum Patribus*; and denied, that he ever had ſeen that *Table* of *Fees*, which is ſpoken of by the Commons. His Anſwer to the 5th. head, Extortion.

6. His Lordſhip *affirmed*, That he had *regiſtred* all the *Inſtitutions*. His Anſwer to the 6th. head, non-Regiſtring Inſtitutions

This was the *Effect* of the Lord *Biſhop's* *Anſwer*; which being ended,

The *Prince* his *Highneſs* told his *Lordſhip*, That he had not anſwered touching the *Paraphraſe* of the *Catechiſm* taken away by him.

Whereupon his *Lordſhip* replied, That the *Preachers* uſed to chooſe a Text of the *Creed*, &c. and to ask the Child ſome one Queſtion, and then to debate very long upon it, and never deſcend to the capacity of the Child: That his *Lordſhip* did not forbid the Explanation, but willed, that it might be Catechiſtically.

The Concluſion of his Anſwer.

Thus ended the Lord *Biſhop* of *Norwich* his *Anſwer* to the ſaid *Complaint*.

The Lords for want of time refer the Commons Complaint to the High-Commiſſion Court to examine.

And after report to the Houſe.

Which will then judge thereof.

It is this day Ordered, that in reſpect of the *Streightneſs* of *time*, that the *Complaint* of the *Commons* againſt the Lord *Biſhop* of *Norwich*, ſhall be *referred* unto the *High* Commiſſion, to be *Examined* by them, and they to make *Report* thereof to the *Houſe*.

And then the *Houſe* will *judge* thereof.

Journ. Dom. Proc. 1 & 2 *Car.* 1. 10 Mart.

XIII. *Timothy Pinckney* who had *Petitioned* the *Lords* 21 *Jac.* to be *relieved* for a Debt owing to

to him and others, from Sir *John Kineday*, and that *Barne Elmes* ſhould be *Sold* for that *purpoſe*, which the *Lords* then ordered; And appointed a *Commiſſion* to Iſſue out of *Chancery*, directed to certain *Judges*, to examine the *pretences* of the Creditors, and *ſee* them *ſatisfied*, he Complains *now* of the Biſhop of *Lincoln*, late Lord *Keeper*, for *refuſing* to grant out ſuch a *Commiſſion*, and *ſlighting* the *Order*.

The Proceedings of the Lords againſt the Biſhop of *Lincoln*, late Lord Keeper, for refuſing to obey their Order.

The *Committee* had taken the Depoſitions of *three* Perſons, who had been firſt *Sworn* in the *Houſe*; The Lords took into *conſideration* this *contempt* of their *Order*, heard the Depoſitions read, and appointed Sir *Charles Cæſar*, and Sir *Robert Rich*, to go and *Examine* one *Kelwood*, who was alſo *preſent*, when the ſaid *Lord* Keeper refuſed to obey the ſaid *Order*; and Miniſter an *Oath* unto him, to tell what he knows of any *notice* given to the *Lord* Keeper of the

the ſaid Order, and who was preſent

Sir *Ch. Cæſar* and Sir *Robert Rich* report the Examination of *Kellwood.*

March the Second, Upon Sir *Charles Cæſar*, and Sir *Robert Rich* their *Report*, of their *Examination* of *George Kellwood*, touching the Biſhop of *Lincoln*, not obeying the *Order* in the buſineſs of *Pinckney*, the Lords *Order* that the Depoſition, after they had heard it read, and the *Depoſitions* of the other three Perſons formerly taken to be ſent to the Biſhop of *Lincoln*, who was to return an *Anſwer*, under his *hand* that day following.

The Lords order that the Biſhop ſhall anſwer under his Hand.

The Biſhop ſends his Anſwer.

March the 16*th.* The Biſhop of *Lincoln* ſent his *Anſwer* to *Pinckney*'s Complaint, according to the order of *March* the 2*d.* in Writing, to this effect; Firſt, in general *denyed* he ſhould have *Spoken* any thing in contempt of their Lord ſhips *Order* in *Parliament* 21 *Jac.* having always in his heart, born ſuch a *reverence* to them, for *non Arbitramur quenquam dicere quod non*

non ſentiat, and for the particulars, as he remembers, it being two years ſince, that there had been a miſtake in the *Clerks* entering it, according to the ſence of the *Houſe*, and *Pinckney* had then concealed from their Lordſhips, a former Refference by the *Parliament*, and the *King* himſelf, to the Lord *Keeper*, the Maſter of the *Rolls*, and ſome *Judges*, who had made a *Decree* in it; And admit all were true, that is complained, yet he had ommitted the time of the Complaint, of a *verbal* contempt, near two years being paſt, and two *ſittings* of *Parliament*, wherein he had been ſilent; *Verbal Injuries*, according to the *Civil* Law, muſt be complained of within the year, *aliter remiſſæ cenſentur*: Contempts muſt be preſſed the next *Term*, or ſitting of the *Court*, againſt which they are committed; *Scandalous* words againſt the King, muſt be Complained of within three Months;

Months; Words of *High Treaſon*, are by the *Laws* confined to be Complained of with in 6 Months.

All *Informations* againſt any Penal *Law*, made, or to be made, muſt come within the compaſs of *one* year, unleſs it be *Ex parte Regis*, who hath a year longer; And it is impoſſible for any Man to give an *Account*, of every phraſe he ſhall uſe *Twenty* Months after the words Spoken, *Lubricum tantum linguæ non eſt ad judicium trahendum*, ſay the *Civilians*. And that his *Heart* did never conceive the leaſt *Derogation* of any *Order* of that moſt *Honourable Houſe*, on the bare intimation of any one Peer that ſitteth in the ſame. One paſſage in his Anſwer, was, That *Kellwood*, and eſpecially *Kennedy* (a Man Condemned to Death in *Scotland* for Forgery,) are Perſons *Infamed*, and their Credits to be Examined before they be admitted as Witneſſeſs againſt a Peer of the *Realm*, and

and a Lord *Keeper* of the *Great* Seal, as he then was. At the end of the Paper was Written, *Recepi* 5. *Expedii* 9 *Martii* 1625. *John Lincoln.*

This Anſwer was *referred* to the *Committee* for *Petitions*, to conſider whats fit to be done for the *clearing* ofthe *aſperſion* laid by the *Biſhop*, on the *Lords* Sub-Committees appointed for the *Journal* Book, and what for the relief of *Pinckney*; for thoſe had certified it to be a *true Order*; Notwithſtanding he ſaid it was miſtaken by the *Clerk*, and had not obeyed it.

The Biſhop's Anſwer referred to a Committee.

17 Martii. The Committee report.

The *Committee* Report, they find *two* defects in this Anſwer: 1. That he doth not *clearly* acknowledge his *Contempt* in not obeying the Order. 2. His *Aſperſing* the *Lords* Sub-Committees, by *ſaying*, it was a miſtaken *Order*, when they had *certified* it a true one. Their *Opinion* is, That the Sub-Committee be *cleared*, and the *Biſhop acknowledge* it a true *Order*,

And give their opinion, that the Biſhop ought to acknowledge his error and offence, to be ſorry, and ask pardon.

Order, and ſignifie to the *Houſe*, that he is *ſorry* he was ſo *miſtaken*, and thereby given *juſt* offence to the *Houſe*, and to the Lords of the Sub-Committee; then Acknowledge his *Error*, and ask their pardon, ſo Ordered.

And ſo ordered by the Houſe.

May it pleaſe your moſt Honourable Lordſhips.

Die Jovis, 23 Martii. The Biſhop purſuant to all which obeys.

YOur Lordſhips having reſolved the order touching *Pinkney* of the 28 of *May* 1624. To be an *Order* of that Moſt Honourable *Houſe*, *truly and juſtly* entered; I do moſt willingly *acknowledge* as much, and am very *ſorry*, that through a *weak* memory, and *information* of ſome parties *intereſſed*, who pretended to have *ſearched* the *Clerks* Book the 29 of *May* 1624. And to have found there at that day, no ground at all for any ſuch *Order*; I have had in my thoughts ſome *ſcruples* to the *contrary*, to the

Nota. His Contempt in a former Parliament cenſured in this.

the *offending* of the moſt *Honourable Houſe*, or any one of the *Lords* of the *Sub-Committee*, who (as I now underſtand) have *Subſcribed* the ſaid *Order*; And I do *Humbly* deſire your moſt Honourable Lordſhips in *General*, and thoſe *Noble* Lords in *Particular*, to *Pardon* the *Errour* I have herein *committed*, and I ſhall *pray* unto *God* to *bleſs* and *proſper* your moſt Honourable *Lordſhips*.

John Lincoln.

Which *Acknowledgment* their Lordſhips all accepted in full ſatisfaction from the ſaid Lord Biſhop.

XIV. Ordered, Enſign *Reynde* to be *ſent* for, and *brought* up as a *Priſoner* before the *Lords*, to anſwer a high *Contempt* againſt the *Parliament*: The Witneſſes who have informed thereof, are to be required to attend when *Reynde* comes. Or-

Journ. Dom. Proc. 3 *Car.* 1. Die Martis, 27 Maii. The Caſe of Enſign *Reynde*, for Miſdemeanour, and Contempt againſt the Parliament and the Ld. *Say*

Die Veneris, 30 Maii, The Serjeant at Arms ordered to take him.

Ordered, the *Serjeant* at *Arms* to make ſuch and ſo many *Deputies*, for the apprehenſion of *Henry Reynde*, as the Lord *Say* ſhall appoint, and his *Captain* to be *warned* to bring him *hither* by a day.

Die Martis, 30 Junii. Witneſſes ſworn againſt *Reynde*.

Theſe *men* were ſworn touching the Information againſt *Henry Reynde*, Enſign-Bearer to the Souldiers at *Banbury*, viz.

George Phillips. *Obadiah Lord.*
John Hayns, *John Hele.*

Who prove the inſolent and opprobrious Speeches ſpoken by *Reynde*.

And being examined, did *teſtifie* the *inſolent* and *opprobrious* Speeches *ſpoken* by the ſaid Enſign *Reynde*, *againſt a Peer of the Realm, and his contempt of this High Court of Parliament.*

The *Lords conſidering* that the ſaid *Reynde* was by *Order* of this *Houſe*, ſent for by the *Serjeant* the 27th. of *May*, and could not be *found*, but yet came early one *Morning* to the *Clerks* Office,

to

to understand whether any other *cause* of Complaint was against him, save the *Information* of those opprobrious *Speeches*; and instantly departed, and ever since *hides* his head.

Reynde hides his Head..

Their Lordships Order.

Elvenston his Captain to be sent for, to be here to morrow Morning.

And the *Duke* of *Buckingham* did declare his opinion, that the said *Reynde* deserved a *severe censure*; and *promised* to the *House*, to lay all the *Ports* for him, and if he can be found, or shall ever come into the *Army*, he will *cause* him to be *sent*, to receive such *censure* as shall be *agreed* on against *him*.

The Duke of *Buckingham* promises he will cause him to be sent for.

Captain *Elvenston* being *called* before the *Lords*, did *affirm* that he had not seen his *Ensign Henry Reynde* this *Fortnight*, and *thinks* he is not in *Town*; He was com-

Die Mercurii 4 *Junii*. The Captain affirmed he had not seen *Reynde*.

Is commanded to bring him to the House when he finds him. Or inform the House.

manded to bring him to the *House* whensoever he shall *find* him, and so soon as he shall understand where he is, to inform the *House* thereof.

Die Lunæ, 9 Junii. The Lords proceed to censure *Reynde.*

The Lords *taking* into *consideration*, that *Henry Reynde* will not be *found*, and *Resolving* to *proceed* to a *censure* against him, for his *Ignominious Speeches of the Parliament*, and of the *Lord Say*, they first voted and *adjudged* him *unworthy* to bear *Arms* hereafter, or to be accompted a Souldier.

But the Duke inform'd the House he was found.

Then their Lordships propounded divers other *parts* of a *Censure* against him, but the *Duke* of *Buckingham coming* in before the *Conclusion* thereof, his Grace *told* their Lordships, that the said *Reynde* is now *found*. Whereupon it was *Ordered*, the said *Reynde* to be brought hither to morrow Morning.

Journ. Dom. Proc. die Mercurii, 11 Junii.

The *Duke* of *Buckingham* excused himself, for not *bringing* of *Reynde* to his answer according to his

his promiſe; for that he *ſhifts* his *Lodging* every night, but *promiſed* again to *do* his *beſt* to bring him to morrow Morning. The Duke excuſeth himſelf, becauſe *Reynde* ſhifts his Lodging.

Ordered, If *Reynde* do not *appear* here to morrow Morning, then to *proceed* againſt him in the *cenſure*.

The *Lords* were put in mind of their *Order* yeſterday, if *Reynde* were not brought this Morning, to *proceed* to ſentence againſt him notwithſtanding. *Whereupon* the *Duke* of *Buckingham* ſignified unto their *Lordſhips*, with what *care* and *induſtry* he had endeavoured to bring the ſaid *Reynde* before their *Lordſhips*, but he is ſo *apprehenſive* of their *cenſure* which he *deſerves*, that he cannot be found; *Yet his* Grace ſaid, he *doubted* not but to bring him to morrow Morning, and deſired their *Lordſhips* to proceed notwithſtanding; now in their *ſentence* againſt him, and with the Die *Jovis*, 12 Junii, 1628. The Lords give Sentence againſt *Reynde*.

more *ſeverity*, becauſe he had ſo often *deceived* his Grace.

The Sentence. The *ſentence* of the Lords *Spiritual* and *Temporal* in *Parliament* aſſembled, *againſt Henry Reynde*, *Enſign-bearer* to the *Band* of *Soldiers Billetted* in *Banbury*, for the *Ignominious Speeches*, uttered by the ſaid *Reynde*, againſt the ſaid *Lord Say and Seal*; *And for his contempt of this High Court of Parliament*; which ſentence was this day pronounced againſt him, by the *Lord Keeper*, (*viz.*)

Never to bear Arms. 1. He the ſaid *Henry Reynde* is never to *bear Arms* hereafter, but is *accompted* unworthy to be a *Souldier*.

Impriſonment during pleaſure. 2. He is to be *Impriſoned* during *pleaſure*.

To ſtand under the *Pillory* in *Cheap-ſide* and at *Banbury*. 3. He is to *ſtand* under the *Pillory*, with *Papers* on his *Head*, ſhewing his *Offence*; at *Cheap-ſide*, *London*, and at *Banbury*.

Fined 200 *l.* 4. That he is to be *Fined* at 200 *l.* unto the *King*.

5. He

5. He is to ask *forgiveneſs* here, of all the *Lords* of *Parliament* in *general*, and of the *Lord Say* and his *Son*, both here and at *Banbury*. To ask Pardon here, and at *Banbury*.

And it was then alſo *Ordered* by their *Lordſhips*, that the Lord *Keeper* ſhould move his *Majeſty*, for the *Houſe* of *Parliament*, to *apprehend* the ſaid *Reynde*, with a *promiſe* of *reward* unto him that that ſhall *take* him. The Lord Keeper to move the King for a Proclamation to apprehend him.

And it was then alſo *Ordered*, that the *Kings principal Secretary*, ſhall *Write* unto his *Majeſties* Agent in the *Low Countries*, that he *ſignifie* this *cenſure* of the *Lords*, unto all the *Colonels* and *Captains* there, and that his *His Majeſties* pleaſure is, they *give* no *entertainment* to the ſaid *Reynde*. The Secretary to write into the *Low-Countreys*, not to entertain *Reynde*.

And the *Court* of *Star-Chamber* is to put this *ſentence* in *Execution* againſt the ſaid *Reynde*, if he ſhall happen to be *apprehended* after this *Seſſion* is ended, and out of time of *Parliament*. The Court of Star-Chamber to ſee the Sentence executed out of time of Parliament.

The Lord *Say* (who withdrew himſelf, when the Lords gave this *Sentence*) gave their Lordſhips *Humble* thanks, for the *ſenſe* they had of his *Honour*, and their *Noble* zeal they had in preſerving of it.

Die Sabbathi, 14 Junii.

Ordered, the *Court* of *Star-Chamber* to put in *Execution* the *Sentence* againſt *Reynde*.

Journ. Dom. Proc. 1 & 2 *Car.* 2. 13 Jun. The Caſe of *George Gardiner*, for counterfeiting Protections.

XV. Whereas *George Gardiner* did lately ſtand in the *Pillory*, by the *Cenſure* of the *Houſe*, for *counterfeiting* of *Protections*, and ſelling them; it was now informed, that he did not only in *ſcorn* thereof ſay, that he would *ſtand* in all the *Pillories* in *England* for 2 *s.* *per diem*, but alſo *gave* out *threatning* Speeches againſt the *Lord Keeper*; wherefore he was this day *brought* to the *Bar*, and the *Speeches* proved againſt him.

It was Ordered, That he ſhould *ſtand* in the *Pillory* here at *Weſtminſter* with a *Paper* on his *Head*, *declaring his Offence*, *for ſcandalizing*

lizing the Juſtice of this Houſe, and unjuſtly ſlandering the Lord Keeper, and to ride backward with the ſame Paper to the Croſs in Cheapſide, *and to ſtand in the Pillory there, and to ride back to the* Fleet *in like manner.*

And whereas *George Buttrice* and this *George Gardiner* (*Buttrice* alſo having *bought* a counterfeit Protection) have *commenced* Suits againſt one *Henry Lane*, who firſt informed the Earl of *Huntingdon* thereof, whoſe *Protections* were counterfeited and ſold, the ſaid Suits not being for *juſt* Debt, but for meer *vexation*, as in the Petition of the ſaid *Henry Lane* is contained.

It is Ordered, the ſaid *Gardiner* and *Buttrice* to ſtay all Suits againſt the ſaid *Lane*, for the Cauſes in the ſaid *Petition* contained.

XVI. Sir *Walter Earl* Reports from the *Committee* about the *Deputy-Lieutenants*. Journ. Dom. Com. 3 *Car.* Friday, 9 *M.* 5.

Sir

The Case of Sir *William Welby* a Deputy Lieutenant, for raising Money, and illegal Commitments.

Sir *William Welby*, a Deputy *Lieutenant* for *Lincolnshire*, complained of, that he sent a *Warrant*, as a Deputy-*Lieutenant*, to *commit* two Persons to Gaol, for refusing to *pay* certain *Taxes* for *military Affairs*. Also one Mr. *Norwood* complains, that it is the usual course of the said Sir *William Welby*, to raise *great* sums in the *Countrey* in *military* Affairs, but it is for the Charges of *himself* and *others* at *Musters*. Also he having *two* Sons *Captains* in the Countrey, he *orders* that every *Souldier* pay their Captain 6 *d.* a day every time they *muster*; and though these Causes were *complained* of the *last* Parliament, yet he doth *not* desist.

The Warrant was read.

His Warrant.

For that *I. S.* refuseth to pay certain sums of Money for military Affairs; These are by *vertue* of our Deputy-*Lieutenancy* to *require*

quire you, to *bring* the Body of *I. S.* &c. before me, or ſome other Deputy-*Lieutenant*.

I ſend you herewithal the Body of *I. S.* for that he denieth to pay military Charges; and alſo denieth to enter Bond to appear at the next *Aſſizes* for his ſaid *refuſal*. And Commitment.

It was *Ordered*, that he be ſent for by the *Serjeant*, and *brought* to the *Houſe*. Sent for by the Serjeant.

Saturday the 10th. of *May*, Sir *William Welby* was called in to *anſwer*. There was a *Queſtion*, whether he ſhould *come* in a *Delinquent*, and kneel, or no; and it was *Ordered*, that he *ſhould* not *kneel*, only be asked by the *Speaker*, about the Warrants exhibited touching the *levying* of *Money* for military Affairs: He ſaid, he could not *deny* them, but ſaid, he never *impriſoned* any but thoſe *two*, *Palmer* and *Sparks*; and he ſaid, that upon the meeting of *Muſters*, he uſed to have his His Anſwer at the Bar.

his *Charges* born by the *County*, and ſo it was ever uſed in that Countrey for 40 years; and as for 6 *d.* a piece, that is paid by every Souldier of the trained Bands, unto the Captains of the Bands who are his *Sons*, he ſaid, that it was ever uſed to be done, but he never *compelled* any. And as to the rate of 1 *d.* an Acre, he ſaid, it was by vertue of an Order made at the Seſſions in the Countrey, and that he knew there was a *Complaint* of it the *laſt Parliament*.

After he went forth he was called in again, and told, that the *Houſe* was not ſatisfied with his Anſwer, and that it was the *pleaſure* of the *Houſe*, that he ſhould *attend* the *Committee* from *day* to *day*, and this *Houſe* alſo, whenſoever he ſhould be *required*.

To attend the Committee and Houſe.

Journ. Dom. Com. 3 *Car.* Wedneſday, 21 May.

XVII. A *Complaint* was *made* againſt the *Mayor* of *Chicheſter*, by one Mr. *Higgons*, who *complained*,

plained, that a *Lieutenant* with four *Souldiers* came to his Houſe, and *ſurprized* him in his *Study*, and he ſent for the *Mayor* to ſee the Kings Peace kept; and the *Mayor contrary to his duty*, ſent *no* aid; and at a *Seſſions* to enquire of a *Ryot*, the Bench and the Hall was full of *Captains and Souldiers*, ſo as he withdrew *himſelf*; and they *Indicted* him for *Aſſaulting* a *Souldier*, and it was *found*.

The Caſe of the Mayor of *Chicheſter*.

Cox alſo complained againſt the *Mayor* there, who ſent a *Serjeant* to them, to *demand Twenty Shillings* by way of *Loan*; which being refuſed, *ſix Souldiers* were ſent to his Houſe; *ſo he was forced to lend the Money*.

It was proved, the *Money* was *Paid* and *Enforced*; But it did not *clearly* appear, that the *Mayor* enforced it, but there were *Preſumptions*, the *Captains* and *ſix Souldiers* came from

from the *Mayors* Houſe; So there being no proof againſt the *Mayor*, the *Committee Ordered*, that the *Mayor* be *diſmiſſed*, till the *Pleaſure* of the Houſe be *further* known.

APPENDIX.

A Collection *of ſome* few Records *and* Preſidents, *out of* many *others of the* like *nature*; *Whereby it* appears, *that the* Kings *of* England *were pleaſed to* Conſult *and* Adviſe *with their* Parliaments, de Arduis negotiis Regni, *of the* weighty *and* difficult *buſineſs of the* Kingdom.

1. ANno 16. *Johannis*, Before the granting and confirming of *Magna Charta* in his time, the Prelates, Earls, Barons, *great Men* and the *Citizens* and *Burgeſſes* were at a *Parliament* at *London*, to give *conſilium & auxilium*, *Counſel* and *Aid*, for the *Honour* of the *King*, (being then perſonally in *France*, in War with the *French* King,) their *own*, and the ſafety of the *whole* Kingdom.

Vide the ancient Rights of the Commons of *England* aſſerted, *&c.* p. 13.

2. *Anno* 29. *H.* 3. The King *ſummoned* a *Parliament* touching the *Marriage* of his *Daughter*, where the *Magnates & Communitates Regni*, the great Men and Com-

Inter Communia 17 E. 3. penes Rememeratorem Domini Regis in Scaccario Recorda War. de priore de *Coventry* attach. pro tranſgreſſione.

Commons of the Realm, *ſponta-nea & mera voluntate*, granted a *Subſidy* to the King.

Ibid. 3. *Anno* 32 *H.* 3. The *great* Men and *Commons* of their *free* and *meer* Will gave a *Subſidie* in *Parliament* to *Marry* the Kings *Eldeſt* Siſter to *Frederick* the Emperour.

Rot. Pat. 37 *H.* 3. m. 12 dorſo. 4. *Anno* 37. at a *Parliament* then held at *London*, concerning the great *Affairs* of the *Kingdom*, and *Foreign* parts, *Magna Charta* was confirmed, *Rex Magnates & Communitas populi* being preſent; and by their *conſent* the *Grand* Excommunication againſt the *Infringers* of *Magna Charta* was denounced.

Raſt. Stat. fo. 15.

Rot. Pat. 42. *H.* 3. m. 4. 5. *Anno* 42 *H.* 3. In the *Parliament* at *Oxford* ſeveral *Ordinances* were made for *Redreſs* of Grievances, *A la requeſt de noz haus homes è prodes homes è de Commune de notre Reaume*, at the *requeſt* of the *high* Men, the *good* and *honeſt* Men, and of the *Commons* of the Realm. 6. *Anno*

6. *Anno* 48 *H.* 3. The *Articles* of *Peace* between the *King*, *Prince* and *Prelates*, *Peers* and all the *Commons* of *England* were generally and unanimouſly approved of, at a Parliament at *London*, *De conſenſu voluntate & præcepto Domini, Regis, necnon Prælatorum, Baronum ac etiam Communitatis tunc ibidem præſentium.* By the unanimous conſent, will and command of the King, of the Prelates, Barons, and alſo of the Commons, being there preſent. Rot. Pat. 48. *H.* 3. m. 6. dor. Forma Pacis inter Regem & Barones.

7. 49 *H.* 3. The King *complains* that the Earl of *Glouceſter* and others had circumvented Prince *Edward. Et ad partem ſuam, proh dolor proditoriæ attraxerunt proprii contemptu Sacramenti.* Againſt the form of the Kings and Princes Oath, of the Prelates, great Men, *& Communitatis Regni unanimi aſſenſu & voluntate nuper* London, *proviſ.* Rot. Pat. 49. *H.* 3. m 13. intus n. 54.

8. *Anno eodem*, The Knights, Citizens and Burgeſſes were *ſum-* Rot. Clauſ. 49. *H.* 3 m. 11. dor. in Schedula.

moned to *Parliament* in the Utanes of St. *Hillary*, *nobiſcum & cum Prælatis & Magnatibus noſtris tractaturi & Conſilium ſuum impenſuri*, *To treat and give their Counſel with the* K. Prelates, *and* great Men, touching the *ſettling* of the diſturbed condition and *ſtate* of the *Kingdom*.

Rot. Pat. 51 *H* 3. m. 16. pro pace inter Regem & Com. *Glouceſter*

* *Richard* Earl of *Cornwal*.

9. *Anno* 51. *H.* 3. The King, *per le Conſeil & laſſentement le* * *Rei de Alemaine, & de Countes, & de Barons & del Commun de laterre*, By the *counſel* and *aſſent* of the *King* of *Almain*, and of the *Earls*, and *Barons*, and of the *Commons* of the Land, *pardoned* and *releaſed* the *Earl* of *Glouceſter*, and all his *Company*, &c.

Ibid. 10. And the King in the ſame Parliament, *per le Conſeil & laſſentement le Rei de Alemaine & les Countes, & de Barons, & le Commons de laterre*, By the *counſel* and *aſſent* of the *King* of *Almain*, and of the *Earls*, *Barons* and the *Commons* of the Land, *pardoned* and

and *releaſed* the *Londoners*, &c.

11. *Anno* 54 *H.* 3. The *King* and *Prince* having undertaken the *Cruſado* for the *Holy-land*. *Quia tamen Prælatis Magnatibus & Communitati Regni non* videtur expediens *neq;* ratum, that they ſhould be both out of the Kingdom *iſtis Temporibus*. It was agreed the *Prince* ſhould go, and a *Subſidie* was granted to the *Prince* by the *Parliament*. Rot. Pat. 54. *H.* 3.

12. *Anno* 11 *E.* 1. *Lewellin* Prince of *Wales* being in *Rebellion*, the King undertakes the *War* againſt him, *de Conſilio Prelatorum procerum & magnatum necnon totius Communitatis ejuſdem Regni*, by the Counſel of the Prelates, Peers, great Men, alſo of the whole Commons of the Kingdom. Rot. Wal. 11 E. 1. m. 4. n. 2. dorſo.

Rot. Clauſ. 28 *H.* 3. m. 8 dor. Rex, *&c.* Sciatis quod de *Communi Conſilio* Regni noſtri proviſum eſt quod erimus apud *Novum Caſtrum* ſuper *Tinam* cum equis & armis die Sancti *Petri Advincula* pro quibuſdam tranſgreſſionibus quas Rex *Scotiæ* Nobis fecit emendas ſuper eum conquerendas niſi *&c.*

Rot. Clauſ. 28. *E.* 1. m. 3. dor.

13. *Anno* 28. *E.* 1. The *King* in *his* Writ of *Summons* to *Parliament*, directed to the *Sheriff* of *Cumberland*, ſaith, *volentes cum* Prelatis, Commitibus, Baronibus *& Magnatibus ſupradictis & cum aliis de Communitate dicti Regni ſuper hoc & quibuſdam aliis arduis negotiis nos & ſtatum Regni tangentibus habere colloquium & tractatum*, &c.

Rot. Clauſ. 24 *E.* 1. m. 4. d. *de Parliamento tenendo*, The *French* King having invaded *Vaſcony* by Fraud and Wickedneſs The K. in his Summons to Parliament, ſaith, *Quod omnes tangit ab omnibus approbetur ſic & inuit evidenter ut communibus periculis per remedia proviſa communiter obvietur*, for *præviſa jacula minus ledant.*

Plita Parliamentaria p. 318, 320.

14. *Anno* 35. *E.* 1. At the great *Parliament* held at *Carliſle*, the *Record* ſaith, that *Knights*, *Citizens* and *Burgeſſes* were *ſummoned* to the *Parliament*, *Ad tractand.* &c. *Super* ordinatione *&* Stabilitate *terræ* Scotiæ, *necnon aliis negotiis dictum Regem & ſtatum Regni ſui ſpetialiter tangen.* being the ſame Words which were for the great Lords in their Summons.

15. *Anno*

15. *Anno* 9 *E.* 2. At the *Parliament* at *Lincoln*, the King in *plein* Parlement cauſed to be declared the *cauſes* of the *Summons* thereof, *Pro diverſis & arduis negotiis ipſum & ſtatum Regni*, and eſpecially *pro ſtatu terræ ſuæ* Scotiæ *perimimicos ſuos pro parte occupata ſupplicans & injungens Prælatis proceribus & cæteris fidelibus ſubditis ſuis ibidem exiſtentibus ut ſibi in præmiſſis* conſulerint *& ſibi facerent* auxilium *oportunium*, which they did. Inter memoranda Parliamenta, 9 E. 2. m. 18.

An. 16 *E.* 2. A *Marriage* being propounded between Prince *E.* after *E.* 3. and the *Daughter* of *Charles* of *Valois*. The King (not when he was under the *power* and *fear* of the *Barons*, but after he had vanquiſhed them, and had *beheaded Thomas* Earl *of Lancaſter* his Unkle, and was attended and guarded by his two great *Minions* the *Spencers*,) *declares* in his Letter to *Charles*, thus Recorded.

Rot. Clauſ. 16. E. 2. m. 7. dor.

De Matrimonio inter *Edwardum* primogenitum Regis & filiam *Caroli* Comitis de *Valois* contrahendo.

AVdivimus & ſuper eiſdem deliberationem hujuſmodi cum aliquibus de noſtro Conſilio *& tractatum. Verum quia tam* nobis *quam* illis *viſum eſt* non *eſſe* expediens *neq;* decens *quod contractus hujuſmodi abſq;* Prælatori *&* Magnatum *Regni noſtrim* Conſilio *&* aſſenſu *in* Parliamento *requirend. &* firmaretur, *& veſtræ ſinceritati duximus intimand. quod cito poſt feſtum Sancti* Mich. *prox. ventur.* Parliamentum *noſtrum proponimus convocare & tunc de* Commum Conſilio *ſuper dicto negotio ordinare curabimus quod vobis placitum nobiſq; &* Regno noſtro *utile fore videbimus & decorum dat. apud* Thorp. *juxta Ebor. 6. die* Junii.

And

And King *Edward* further writes to *Charles* King of *France* and *Navar* about that *Marriage. Set ſuper eodem in prox.* Parliamento *noſtro quod ſtatim poſt feſtum Sancti* Mich. *prox futuri tenere proponimus deliberationem & tractatum pleniorem habere intendimus & tunc inde taliter ordinare quod inde debebetis merito contentari Dat*, &c. Rot. Clauſ. 16. E. 2. m. 7. cor.

16. *Anno* 13. E. 3. *licet nuper de Conſilio & aſſenſu Prælatorum & procerum &* Communitatis *Regni noſtri noſtrum aſſumentes paſſagium ultra mare*, &c. Rot. Par. 13. E. 3. pars. 1. m. 11.

17. *Anno* 14 *E.* 3. It was propoſed to the *Grauntz & autres des Communes* in *Parliament*, to *treat* and *ordain* touching the *War* then with *France*, the keeping of the *Peace* of the Land, and the *marches* of *Scotland*, and of the *Sea.* Rot. Parl. 14. E. 3. pars 1. n. 2.

18. *Anno* 17 *E.* 3. It was propounded in *plein Parlement* that the *War* was attempted and begun by the *common conſent des Pre-* Rot. Parl. 17. E. 3. n. 8,

Prelatz, Grantz & Communes, and that the *King* would not treat of *Peace* without their *aſſent*, and thereupon it was *commanded* to the *Prelates* and *Grantz* to aſſemble themſelves in the Chamber *Blanch* to *treat*, *conclude* and *aſſent* amongſt *themſelves*, whether the *King* ſhould ſend *Ambaſſies* to *Rome*, to ſhew and propoſe his *Title* to *France* before the *Pope*; and in the ſame manner it was *charged* the *Knights* of the *Shire*; and the *Commons* to aſſemble in the Chamber *depeint*, to *treat*, *conclude* and *aſſent* amongſt *them* upon the ſame buſineſs, and to *give* their *Anſwer*, *& lour aſſent en dit Parlement*.

Nota.

Rot. Parl. 18. E 3. n. 5. vide Raſt. Stat. fo. 86.

20 In the *Parliament* 18. *E.* 3. The King by his *Chancellor* prayed and charged the *Prelates*, *Earls*, *Barons* and *Commons*, that they would conſider touching the *Articles of Truce* between the King and *France*, and that they would *mettre leid & le Conſeil* give

give their *Aid* and *Counſel* for the *Salvation* of the *Rights* and *Honour* of the *King*, *& de eux meiſmes*, and of *themſelves*.

21. Sir *Bartholomew Burghurſt* the Kings *Chamberlain* declared in *Parliament*, That there was a *Treaty* of *Peace* between the *King* and the *French*, and good hope of a final *Accord*, but the King would not conclude *ſanz aſſent des Grantz & ſes Communs*; Whereupon the Chamberlain required and demanded, on the behalf of the King, *whether* they would *aſſenter & accorder* to the intended Peace. Rot. Parl. 28. E. 3. n. 58.

To which the *Commons d'unaſſent & d'unaccord.* Anſwered, that what *Iſſue* the *King* and *Grantz* ſhould take in the ſaid *Treaty*, ſhould be agreeable to them: Upon which *Anſwer* the *Chamberlain* ſaid to the *Commons*, Then you will aſſent to the *Treaty* of *Peace* perpetual, if it may be had; to which the Commons Anſwered,

red, *Entierment & unement. oil oil*, yes, yes; And thereupon it was *commanded*, that Maſter *Michel* de *Northburgh*, Gardeyne of the Privy-Seal, and Sire *John* de *Swinley Notair Papal*, ſhould make an *Inſtrument* publick thereof.

Rot. Parl. 43. E. 3. n. 1.

22. *Anno* 43 *E.* 3. The *Chancellor*, in his *Oration* before the *King*, *Lords* and *Commons*, thus expreſſeth himſelf: *Sires*, the *King* in all his *great* buſineſs which concerned *himſelf* and his *Kingdom*, *de tout temps*, hath acted and done, *by the* counſel and advice of his *Grandz* and *Commons* of his *Realm*, which he hath found in all his Affairs, *Rons & Loyalz*, good and faithful, for which he thanketh them, *de grant cuer & volunte*, and that it was not *unknown* to them that the *King* had taken upon him the *Claim* and *Right* to the *Realm* of *France*, *per lavis & conſeil de ſes Grantz & Communes*, by the *advice* and *counſel of his* great Men and *Commons* 22. 7 *R.* 2.

23. 7 *R.* 2. The *King* called a *Parliament*, to conſider of a *Peace* between *him* his Kingdom, Lands, Dominions, and Subjects, *ex una parte*, *& magnificum principem Robert* of *Scotland*, and his Lands, Dominions, and Subjects, of the *other part*; *mediante* conſilio *&* aſſenſu *Prælatorum procerum magnatum &* Communitatis *Regni* Angliæ, by the *counſel* and *aſſent* of the *Prelates*, *Peers*, and *great Men* and *Commons* of the Kingdom of *England*. Rot. Clauſ. R. 2. n. 37. 7.

I will paſs over the reſt of the ſeveral Authorities in this King's Reign, and ſo of *H.* 4. except this one.

24. In the Parliament 9. *H.* 4. in that great *Record* called *Indempnitie des Seigneurs & Communes*, the King, by the advice and aſſent of the Lords, willed, *granted* and *declared* that in that and all *future* Parliaments, it ſhould be *lawful* for the *Lords* to *debate* and *commune* amongſt *themſelves*, *de* Ex Rot Parl. tenti apud *Glouc.* 20 die *Octobris* Anno Regni Regis H. 4. Poſt Conqueſtum 9. m. 8. n. 21. Indempnitiè des Seigneurs & Communes.

de Leſtate du Roiaume & la remedie a ce buſoignable of the *ſtate* of the *Kingdom*, and the neceſſary *Remedies*; and it ſhould be *lawful* likewiſe for the *Commons* on their part to commune in the *ſame* manner.

Rot. Parl. 5. *H.* 5. pars 2. 25. *Anno* 3 *H.* 5. The Chancellor at the Re-aſſembly of the *Parliament*, declares, (the King being preſent) the *cauſes* of their calling; which was, that *Peace* had been *offered* him by his adverſary of *France*; the which, without the *aſſent* and *good* Counſel of the *Eſtates* of his *Realm*, he would not conclude; And that the *King* of the *Romans* deſiring *Peace* and *Unity* in the Church *Univerſal*, and alſo between the *Chriſtian* Realms, was come over hither with *Propoſitions*, which he had not yet declared to the King, but in a ſhort time would ſhew them. Upon the which, the King would take the Advice, *de ſon treſſage Conſeil*, *of his moſt wiſe Counſel.* 26. *An-*

26. *Anno* 4 *H.* 5. The League and Alliance between the King and *Sigiſmund* the Emperour and King of the *Romans* was ratified and confirmed, upon due and ſolemn Treaty thereof, by the common conſent and aſſent of all the Archbiſhops, Biſhops, Dukes, Earls, Barons, & *toute autres Eſtates Eſpiritualz & Temporalz*, and other *Eſtates Spiritual and Temporal*, and alſo of the *Commons* of this *Realm*, in the ſaid Parliament aſſembled.

Rot. Parl. 4. *H.* 5. n. 14.

La confirmation des Alliances perentre le Roy & le Roy des Romains *priſez & accordez*

27. *Anno* 9 *H.* 5. A *Peace* being concluded between *Henry* King of *England*, and *Charles* the *French* King, it was mutually agreed, that the Articles thereof be *ratified* and *confirmed per tres Status, of both Kingdoms*; which being *approved, concluded accepted* and *allowed of*, by the three Eſtates in *France*, *videlicet*, *Prælator. & cleri necnon* Procerum *& Nobilium, ac etiam civium Burgenſium civitatuum villarum &* Com-

Rot. Parl. 9. *H.* 5. pars 1. n. 14.

Approbatio pacis inter Regem Angliæ *&* Franciæ *nuper concluſæ.*

Communitatum dicti Regni. The Articles was after *mature deliberation* confirmed *per tres Status Regni, Angliæ vid. per Prælatos & clerum nobiles & magnates necnon Communitates Regni ad Parliamentum apud* Weſt. *qui quantum ad eos & ſingulos eum pertinet obſequituros & impleturos promiſerunt.*

Rot. Parl. 9. H. 5. n. 18. *De poteſtate tractand. de pace cum Dolphino,* &c.

28. *Anno* 9 *H.* 6. It was ordained by the Lords *Spiritual* and *Temporal* and Commons That the *Dukes* of *Bedford* and *Glouceſter* and my *Lord* Cardinal, and others of the *Kings* Bloud and of his Counſel, may treat of *Peace* with the *Dauphin* of *France*, notwithſtanding the Act formerly made to the contrary; which was, That the King of *England H.* 5. or the *French* King ſhould not enter or make any *Treaty* of *Peace*, or of *Accord* with *Charles* the *Dauphin*, without the *aſſent* of the three *Eſtates* of both *Realms.*

Rot. Parl. 23 H. 6. n. 24.

29 *Anno* 23. *H.* 6. Whereas by the *Articles* of *Peace* made *between*

tween H. 5. and *Charles* the *6th* of *France*, *it was agreed* there ſhould be no *Treaty* or Accord made with the *Dauphin* of *France*, without the *aſſent* of the three *Eſtates* of both *Realms*, which Articles were afterwards Enacted and Authorized here by Parliament; It was Enacted by the *aſſent* of the *Lords* and *Commons*, that that Article ſhould be *void*, *eryt*, *caſſed adnulled* and of none *Force*, and none to be *impeacht* for *adviſing* and *acting* in the ſaid *Peace*.

30. The *Archbiſhop* of *Canterbury*, Chancellor of *England*, declared the cauſes of the Summons of the Parliament (the King preſent) and amongſt others, that between the *Ambaſſadors* of King *H.* and the *French* King; There was an *appointment de perſonali conventione* of a perſonal meeting between the two Kings in *partibus tranſmarinis*, which if it ſhould happen *ut ſperatur* to provide not only for the *ſafe* and *ſecure* preſer- Rot. Patl. 25 *H.* 6. n. 1.

vation of the perſon of the King, as well in his Conduct, *ad dictas partes tranſmarinas*, as in his being there, but alſo for the ſafe and ſure conſervation of the Peace within the Kingdom, and other his Dominions (during his abſence) out of the Realm, and for ordaining a *proviſion* thereof.

Tractatum & maturam deliberationem cum ſano & ſalubri Conſilio trium Statuum dicti Regni *neceſſario exigit & requirit*; and after concludes his Speech: *Qualiter prefatus Rex ad* tractandum *&* conſulendum *cum præfatis proceribus & magnatibus ſupradictis &* Communibus *Regni ſui hujuſmodi proviſione faciend. & habend.* Parliamentum *ſuum predictum fecerat convocari*: *Therefore* the *King* had called his *Parliament*, to *treat*, *conſult* and adviſe with the *Peers*, and *great Men* and *Commons* of the *Kingdom*, how ſuch proviſion may be done and had.

31. *Anno* 11. *H.* 7. The *Articles* of *Truce* and Peace between *Charles* the *French* King, and King *Henry*, was *agreed* to be *ratified*, *accepted*, *approv'd* and *confirmed*, *per tres Status utriusque Regnorum videlicet per Prælatos*, & Clerum *nobiles* & Communitatem *eorumdem Regnorum authoritate Parliamentorum*; Which was after done.

Rot. Parl. 11. H. 7. n40. An Act concerning the Peace between the King of *England* and the King of *France*

32. Anno 3 *H.* 8. *Dominus* Cancellarius *ex mandato Regis ostendebat Dominis hic præsentibus causas Secretiores hujus* Parliamenti *summonitionis* primam *concernentem Regem* Scotiæ & *multimodas injurias subditis Regni* Angliæ *illatas. Secundam, Et bellum inter Regem* Castelli & *Ducem* Gildriæ *ejus affinitatem & terram concernentem Dominum summum* Pontificem, *Tertiam, Et dissensionem inter ipsum & Ludovicum Francorum Regem lectumque fuit per Magistrum Rotulorum breve Apostolicum in vulgari translati-*

Jur. Dom. Proc Anno 3. H. 8. 15 die Parliamenti.

one continens contumelias dampna & injurias Sanctæ ſedi Apoſtolicæ & Romano *Pontifici per Ludovicum Gallorum Regem illatas.*

Item dictus Dominus Cancellarius, *cum Domino* Theſaurario, *& aliis Dominis in Domum Communem deſcendebat cum premiſſis oſtenſur. &c.*

Lord *Herbert's* Hiſt. of H. 8. fo. 303

33. *Anno* 21. *H.* 8. The *Lords* and *Commons* ſent a Letter to the *Pope*, touching the *dilatory* Proceedings, in the *Divorce* between the King and Queen *Katherine* before him; in which Letter they *declare*, *Cauſa Regiæ Majeſtatis noſtra cujuſque propria eſt, a* Capite *in* Membra *derivata, dolor ad omnes, atque injuria ex æquo pertinet, omnes in ejus Majeſtate compatimur*, in relation to the Safety and Succeſſion of the *Crown*; and that if his *Holineſs* would not *deteruine* the *cauſe*, or defer it any longer, they plainly tell him that,

No-

Noſtri *nobis* curam *relictam*, & aliunde *nobis remedia* conquiramus. *Nota.*

And they were as good as their words; For in the *Parliament*, 25 *H.* 8. an Act paſſed for declaring the eſtabliſhment of the Succeſſion of the Kings moſt Royal Majeſty in the Imperial Crown of this Realm, wherein the *Marriage* between the *King* and the Lady *Katherine*, was by authority of *Parliament* definitively, clearly and abſolutely, declared, deemed and adjudged to be *againſt* the *Laws* of Almighty God, and alſo to be accepted, reputed and taken of *no* value nor *effect*, but utterly void and *annihilated*; and that the ſaid *Katherine* ſhould be from thenceforth called and reputed, *only Dowager* to Prince *Arthur*, *and not Queen of the* Realm. Raſt. Stat. 25 *H.* 8. cap. 13. *Nota.* *Nota.*

The *Letter* was *Subſcribed* and

Sealed by 2 Archebiſhops, 2 Dukes, 3 Marqueſſes, 13 Earls, 4 Biſhops, 25 Barons, 22 *Abbots.*

And Milites & Doctores *in* Parliamento, the *Knights* and *Doctors* in *Parliament*, of the Houſe of *Commons*, *William Fitzwilliam* being *Speaker*, was the firſt that ſigned; And notwithſtanding the *Objection* from the *date* thereof, in time of *Prorogation*, it is very probable that it was agreed in *Parliament*, and my *Reaſons* are two, beſides what appears by the Letter it ſelf.

1. The *Anſwer* of the Pope to the Letter; is directed thus.

L. *Herbert*, fo. 307.

Venerabilibus fratribus Archiepiſcopis & Epiſcopis, ac dilectis filiis Abbatibus Nobilibuſque viris Ducibus, Marchionibus, Comitibus, Baronibus, Militibus, *ac* Doctoribus Parliamenti *Regni* Angliæ.

2. *Re-*

2. *Records* and *Hiſtories* tell us that *Parliaments* have ſeveral times ſent Letters to the Pope: For Inſtances.

Vide the antient Rights of the Comm. of *England* aſſerted, p. 111.

Anno 29 *H.* 3. 29 *E.* 1. 17 *E.* 3. Where the laſt, though agreed to in *full* Parliament, yet was after Sealed, *Souz les Seales, des Grantz, & totes les Cominaltes, des Citees & Burghes d'*Angleterre So that as yet under ſubmiſſion I am of my Lord *Herbert*'s opinion, *That the Letter or Declaration was by the* Parliament.

Rot Parl. 17. *E.* 3. n. 59, 60. Rot. Parl. 21. *Es* 3. n. 1. 63.

34. Anno 28 *Eliz.* Item conventum concordatum & concluſum eſtquod Rex *Scotiæ*, quamprimum viceſimum quintum ſuæ ætatis, annum impleverit quam primum commode id facere poterit per publicum Regni ſui conventum dictum fœdus approbabit & confirmabit approbari & confirmari faciet & item Reginalis ſuæ Majeſtatis per proceres & alios Regni ſui *Angliæ* & *Hiberniæ*, Status in Parliamento idem

Inter-Capita fœderis arctioris amicitiæ inter potentiſſimos principes *Elizabetham Angliæ* Reginam, & *Jacobum* ejus nominis ſextum *Scotorum* Regem, 5 *Julii* 1586. Ex Mſ. penes meipſum.

faciat & præſtabit, vel fieri & præſtari procurabit. I have ſeen ſeveral Records of Leagues ratified by the *Scotiſh* Parliament.

Ex Cronico ab anno 1272. 1 *E.* 1. ad annum 1317. 10. *E.* 2. Mſ. mihi oſtenſ. per *Tho. Turner* Armig. nuper defunct.

35 POſtquam *Rex* per ſpatium *trium* Annorum & amplius in *partibus* tranſmarinis *remanſiſſet* & de partibus *Vaſconiæ*, & *Franciæ* in *Angliam* rediiſſet valde *anxiatus* & *conturbatus* fuit per *quotidianum* clamorem tam *Clericorum* quam *Laicorum* petentium ab *eo* congruum remedium apponi verſus juſticiarios & alios *Miniſtros* ſuos de *multimodis* oppreſſionibus & gravaminibus *contra* bonas leges & conſuetudines Regni illis *factis* ſuper quo *Dominus Edwardus Rex* per *Regale* ſcriptum Vicecomitibus *Angliæ* precipit, quod in omnibus comitatibus ciuitatibus & villis *Mercatoriis* publice Proclamari facerent quod omnes qui ſeſe ſentirent gravari *venirent* apud *Weſtmona-*

Anno Domini, 2289. Aunoq; Regni Regis *E.* 1. 18.

Certe ſcimus quam plurimos eorum qui Judiciis ſub E. 1. præfuere viros quidem maximos & ævo in illo Juriſconſultos celeberimos

repetundarum & quod lites ſuas fecerant alioſq; preter Miniſtros forenſes aliquot merito damnatos multis exitio ac carcere punitos eſſe *Seldeni* ad Fletam diſſertatio p. 548.

ſteri-

ſterium ad *proximum Parliamentum* & ibi querimonias ſuas monſtrarent ubi tam *Majores* quam *Minores* opportunum remedium & celerem Juſtitiam recuperent ſicut *Rex vinculo* Juramenti die Coronationis ſuæ aſtrictus fuit *ac* jamjam adeſt *magnus* dies & *Judiciarius* Juſticiorum & aliorum Miniſtrorum *Conſilii* Regis quem nulla tergiverſatione nullo munere nulla arte vel *ingenio placitandi* valent eludi *Coadunatis* itaque Clero & Populo & in magno Palatio *Weſtmonaſterii* conſeſſis *Archiepiſcopis Cantuar.* (vir magnæ pietatis & *Columna* quaſi *Sanctæ* Eccleſiæ & Regni) ſurrexit in medio & ab alto ducens ſuſpiria. *Noverit Univerſitatis veſtra* (ait) quod convocati ſumus *de magnis et arduis negotiis* Regni (heu nimis perturbati & hiis diebus enormiter mutilati) unanimiter fideliter & efficaciter ſimul cum Domino Rege ad *tractandum* & *ordinandum* audiviſtis etiam univerſi querimonias

monias graviſſimas ſuper intolle-
rabilibus injuriis & oppreſſioni-
bus & quotidianis deſolationibus
tam *Sanctæ* Eccleſiæ quam Regni
factis per hoc Iniquum Concili-
um Domini Regis contra *Magnas*
Chartas tot toties & multoties
emptas & redemptas conceſſas &
confirmatas per *tot* & talia *jura-*
menta Domini *Regis* nunc & Do-
minorum *Henrici* & *Johannis* ac
per terribiles fulminationes *Ex-*
communicationis ſententiæ in tranſ-
greſſores Comunium libertatum
Angliæ quæ in Chartis predictis
continentur corroboratas & cum
ſpes preconcepta de libertatibus
illis obſervandis fideliter ab omni-
bus putaretur ſtabilis & indubita-
ta *Rex* Conſiliis *malorum* mini-
ſtrorum preventus & ſeductus eaſ-
dem infringendo contravenire
non formidavit credens decepi-
tive pro munere abſolvi à tranſ-
greſſione quod eſſet manifeſtum
Regni exterminium *Aliud* etiam
nos omnes angit intrinſecùs quod

Vide Fleta cap. 17. p. 18, 19. Authoritas & Officium Ordinarii Concilii Regis.

Ju-

Juſticiarii ſubtiliter ex malicia ſua ac per diverſa argumenta avaritiæ & intollerabilis ſuperbiæ *Regem contra fideles ſuos* multipliciter *provocaverunt* & *incitaverunt*, ſanoque & ſalubri Conſilio ligeorum *Angliæ* contrarium reddiderunt *Conſilia ſua vana impudenter preponere & affirmare non eruberunt ſeu formidaverunt ac ſi plus habiles eſſent ad conſulendam & conſervandam Rempublicam quam tota univerſitas Regni in unum collecta*, Ita de *illis* poſſit vere dici, *viri* qui turbaverunt terram & concuſſerunt *Regnum* ſub *fuco* gravitatis totum populum graviter oppreſſerunt *Pretextuq*; ſolummodo exponendi veteres leges novas (non dicam leges) ſed malas conſuetudines introduxerunt & vomuerunt; *Ita* quod per *ignorantiam* nonnullorum ac per *partialitatem* aliorum qui vel per *munera* vel per *timorem* aliquorum Potentum innodati fuerunt *nulla fuit ſtabilitas legum* nec

alicui

alicui de populo *Juſticiam* dignabantur exhibere *Opera* eorum ſunt opera nequitiæ & opus iniquitatis in manibus pedes eorum ad malum currunt & feſtinant, ac viam recti neſcierunt quid dicam? Non eſt judicium in greſſibus ſuis.

Quam plurimi liberi homines terræ noſtræ fideles Domini Regis quaſi viles ultimæ ſervi conditionis diverſis Carceribus ſine culpa commiſerunt ibidem carcerandi quorum nonnulli in carcere fame mærore & vinculorum pondere defecerunt, extorquerunt pro Arbitrio inſuper infinitam pecuniam ab eiſdem pro redemptione ſua crumenas aliorum ut ſuas impregnarent tam à divitibus quam pauperibus exhauſerunt ratione quorum incurriverunt odium inexorabile & formidabiles imprecationes omnium quaſi tale incomunicabile privelegium per cartam deteſtabilem de non obſtante obtinuerunt & per quiſiverunt ut a-

leg

lege *Divina* Humanaque (quasi ad libitum) *immunes* essent.

Gravamen insuper solitum adhuc sive aliquo modo sævit omnia sunt venalia si non quasi furtiva proh dolor.

Quid non mortalia pectora cogit auri sacra fames. Ex ore meo contra vos (o impii) tremibunda Cæli decreta iam auditis.

Agnitio vultus vestrorum accusat vos & peccatum vestrum quasi *Sodoma* prædica vistis nec abscondistis væ animæ vestræ væ qui condunt leges & scribentes injustitiam scripserunt ut opprimerent in judicio pauperes & vim facerent causæ humilium populi ut essent viduæ præda eorum & pupillos diriperent væ qui ædificant domum suam injustitia & cænacula sua non in judicio, væ qui concupiverunt agros & violenter tulerunt & rapuerunt domos & oppresserunt virum & domum ejus imò virum & Hæreditatem suam væ Judices qui sicut Lupi vespere

non

non relinquebant ossa in mane Justus Judex adducit Consiliarios in stultum finem & Judices in stuporem.

Mox ala voce justum judicium terræ recipietis.

Vide Mat. *West.* An. 1289. p. 376. l. 13,

His auditis omnium aures tinniebant totaque *Communitas* ingemuerunt dicentes heu nobis heu *ubi est* Angliæ *toties empta toties concessa toties scripta toties jurata* Libertas.

Anno vero 1290. (18 E. 1) deprehensis omnibus *Angliæ* Justiciariis de repetundis (preter *Jo.* de *Metingham* & *Eliam* de *Beckingham* quos honoris ergo nominatos volui) judicio *Parliamenti* vindicatum est in alios

Alii de Criminalibus sese à visibus populi subtrahentes in locis secretis cum amicis tacites latitaverunt alios protulernnt in medium unde merito fore omnes ab officiis suis depositi & amoti unus a terra exulatus alii perpetuis prisonis incarcerati aliique gravibus pecuniarum solutionibus juste adjudicati fuerunt.

atq; alios carcere, exilio & fortunarum omnium dispendio; in singulos mulcta graviſſima & amissione officii, *Spelm.* Gloss. part 1. fo. 416,

Le

LE Roi a touz ceux q̃ ceſtes lettres verrount ou errount, ſaluz. Sachez q̃ come en les choſes parlees, tretees, & accordees & affermees entre nous & noſtre treſch̃ foial & Coſyn Sire Edward per la grace de Dieu Roi Deſcoce, tuſchauntes nous & Leſtate de noſtre Roialme Dengleterre, & le dit Roi Deſcoce, ſon Eſtat, & Leſtat de ſon Roialme Deſcoce. Le dit Roi Deſcoce, par aſſent des Prelates, Counteſ, Baronns, Chivalers, & autres de ſon dit Roialme Deſcoce, eit reconuz & grauntez q̃ le dit Roialme Deſcoce, & les Iſles appurtenances a ꝑ cele ſount devient & tut temps paſſe ſoleient eſtre tenus des Rois Dengleterre, ꝑ homage lige & foialte.

Pro Rege *Angl.* de diverſis conceſſionibus ei per Regem *Scotiæ* factis, Anno 8 *E.* 3. m. 29. Rot. *Scotiæ.*

The Parliament of *Scotland.*

Et aurint eit reconuz & grauntez dentrer en noſtre homage a lige & foyolte come Souverain Seigneur des dits Roialme Deſcoce & Iſles. Et aurint eit obligez lui, ſes Heirs & Succeſſors, de faire a nous & a noz heirs hoze de noſtre Roialme Dengleterre, & de noz terres de Gales & Dirland, come en Gaſcoigne & aillours, ou nous

nous & a uoz heirs overoms terres ou clameroms dzoit ou autres nous voudzont empeſcher par foꝛce ſur noz terres, ou ſur poſſeſſion ou dzoit oꝫ nous clamerons certeins ſervices. Ceſtaſſavoir le Roi Deſcoce p̄ tote ſa vie, p̄ le garniſſement de ſps moys les ſervices de deux centz homes darmes p̄ un an a ſes Cuſtages & Diſpens, & p̄ ſes heirs & ſucceſſors, p̄ au tiel garniſſement les ſervices de cent homes darmes a lour Cuſtages & Diſpens p̄ un an. Et ſi lui, ſes heirs ou ſes ſucceſſours garniz p̄ nous & p̄ noz heirs en la maniere avantdite, de faire les ditz ſervices fauſiſſent de faire & parfaire meſmes les ſervices, le dit Roi Deſcoce eit obligez lui, ſes heirs & ſes ſucceſſors, en deux centz mille livres Deſterlinges, a paier a nous & a noz heirs. Et auxint eit grauntez p̄ lui, ſes heirs & ſes ſucceſſours, oꝫ ſils fauſiſſent de faire & parfaire les ditz ſervices ; & le dit Roi Deſcoce ſes heirs & ſes ſucceſſours, feuſſent requis p̄ nous ou p̄ noz heirs de paier le deux centz mille livres, oꝫ apzes leſpace de trois moys a

totes les toitz, & apres ceo qe le dit Roi Descoce, ses heirs ou ses successors, fuissent issint requis p nous & noz heits, & ils fauissent de faire le dit paiement, que nous & noz heirs peussons franchement, & sanz countredit du dit Roi Descoce, ses heirs ou ses successours, entrer le dit Roialme Descoce & totes les Citees, Villes, Chasteux, Manoirs, terres & tenements de le dit Roi Descoce, tenir & gouverner per noz gentz, & totes manieres des issues & profits ent surdantz lever, cuiller & tenir a nostre oeps, & al oeps de noz heirs, & tanq; nous soiums paiez des ditz deux centz mille livres pleinement.

Et austre ceo le dit Roi Descoce eit obligez lui, ses heirs & ses successours, de assigner, doner & faire liverer a nous deux mille de terre, eit done, graunte & assigne a nous le Chastell, la Ville, & la Counte de Berewyk, a la value qe serra trove p extent a faire en la maniere avantdite, & ceo qe faudra des dites deux mille livres de terre, il serra assigner & liverer a nous en lieux covenables & greables a nous sur la Marche Descoce, & joignauntes a nostre

Roialme Dengleterre, a avoir & tenir les dits Chastell, Ville & Countée, & les autres terres q̃ le dit Roi nous assignera a nous & a noz heirs, come annexes a nostre Roiale dignite, & a nostre Roialme Dengleterre, & suertées del Roiale dignite, & de la Courone Descoce, a touz jours come plus pleinement est contenuz en les lettres patentes de le dit Roi Descoce de ceo faites.

Et auxint le dit Roi Descoce, par ses autres lettres patentes, pur autres certeins causes notées en peeles de mesme lassent, eit graunte & oblige lui & ses heirs, a nous & a noz heirs, de venir en persone od tot son poair, & a ses Custages & Despens, ad nostre cozps & ad les cozps de noz heirs en nostre Roialme Dengleterre, & en noz terres de Gales & Dirlande avantdits, en eid de nous & de noz heirs, countre toutz ceux q̃ voudzont guerrer nous & noz heirs, ou par fozce noz foitz empescher es dits Roialme & terres a totes les foitz q̃ le dit Roi Descoce ou ses heirs serrount requis par nous & nos heirs del garnisse-

Nota.

ment

ment de ſys moys, ſicom e en dites lettres plus pleinement eſt contenuz.

Nous voillauntz ouſtier les enchefons dount debatz guerres ou contees pourrount ſourdze en temps avenir entre nous & noz heirs, & le dit Roi Deſcoce & ſes heirs, & purvær totes les choſes p quelez pés & amour ſoient nurriz & meintenuz entre nous, & a noz heirs & noz ſouzmys dune part, & le dit Roi Deſcoce & ſes heirs & ſes ſouzmys dautre part, a touz jours par aſſent des Prelatz, Countes & Barons, & la Communalte de noſtre Roialme, aſſemblez a noſtre Parlement ſonions a Everwyk le Lundy proſchein avant la feſte de Saint Pierre en Cathedza, l'an de grace ſelonc le cours del Egliſe de Rome mille treſcentz trentiſme quart, & de noſtre regne optiſme, grauntoms, releſſoms & quiteclamons, pur nous & pur noz heirs, au dit Roi Deſcoce & a ſes heirs, tot le cleym & le droit q̃ nous aviums ou avoms en le demeigne de tut le remenaunt de ditz Roialme Deſcoce & Iſles, outre les terres & choſes a

These Agreements Ratifyed by the Parliam. of *Engl.nd.*

nous grauntées & liverées, & a liverer.

Et voloms & grantoms pur nous & pur noz heirs, qꝫ le dit Roi Deſcoce eit & tiegne le demeigne de tut le remenaunt des ditz Roialme Deſcoce & Iſles, come ſuſeſdit a lui & ſes heirs, entierement ſanz autre ſubjection a nous ou a noz heirs, pur meſme le demeigne de tut le remenaunt de Roialme Deſcoee & des Iſles come deſſus eſt dit.

Hoꝛꝛis & ſauve a nous & a noz heirs, totes les choſes grauntees a nous & a noz heirs par le dit Roi Deſcoce, ſelonc le purpoꝛt des lettres patentes le dit Roi Deſcoce a nous faites. Et en teſmoignante de quele choſe a ceſtes noz lettres patentes avoms fait mettre noſtre Gꝛauut Seal. Don a Everwyk en noſtre dit Parlement, le pꝛemier jour de Marcz, l'an de grace & de noſtre regne ſuſdit.

Rot. Parl. 7. R. 2. n. 2 Pronunciatio Parliamen.

37. AQuel Lendemain qꝫ fuiſt Mardy, vindꝛent en Parlement ſi bien les Pꝛelatz, Seigneurs Tempoꝛelx, come les Juſtices & autres du Conſeil noſtre

noſtre dit Seigneur le Roi, en le Chambre de peinte a Weſtm. en preſence du Roi meſme appellaz la ejns les Chivaleers des Countees, les Barons des Cinque Ports, Citizens des Cities, & Burgheys des Burghs p lour noſms, ſicome les Viſcounts lour avoient fait retourner, Mounſ Michael de la Poole Chivaler, Chancellier d'Angleterre, p Commandment noſtre Seigneur le Roi, avoit les parols de la pronunciation des cauſes de la ſummonce de ceſt preſent Parlement.

Ꝑ diſt vous Meſſieurs Prelatz & Seigneurs Temporelx, & vous mes Compaignons les Chivaleers, & outres de la Noble Comune d'Angleterre ey preſentz, deviez entendre oꝰ combien oꝰ je ne ſoie dignes mes inſufficient de ſeen & de tout autre bien touts voies pleuſt a noſtre Seigneur le Roi, n'adgairs de moy trær en ſon Chanceller, & ſur ceo ore moy ad commandez qu'ore en vos honourables preſences, oꝰ vous doie deper luy expoſer les cauſes de la ſummonce de ſon preſent Parlement, & p tant purra clearment apparoir oꝰ le haut buſoigne come ceo eſt de

parler si chargeant matire devant touts & tiels si Nobles & Sages persones que vouz estes, ne ferroit mye ꝑ presumption ou surquindrere de moy mesmes einz solement ꝑ deux enchesons reasonables.

L'une est, ꝙ longement & communement ad estre accustume deins mesme le Roialme, ꝙ les Chancellers d'Angleterre devant moy si ouut faitz chescun en son temps pronunciation deper le Roy de semblablez Parlements devant ore tenuz, & ne verroie si pleust a Dieu ꝙ en mon temps defaute y fuist trovez en ma persone ne arrerisement de le stat de mon dit Office, si avant come je le purroie maintenir en tout bien & honour.

La seconde est, ꝑ quoy je assume de present si grant charge sur moy devant touts les autres Sages cy presentz, car le Roy nostre Seigneur Liege icy present n'ad commander del fair ꝙ nostre saut a fyn force en ce, & en touts autres ses Commandements tournir au proñt de luy & de son Roialme.

Au

Au Terce & iſſint ne ſerroit ceſt chargeant buſoigne en aſcun manier ſi non conſtreint p reſon du mon Office, & commandement de mon Seigneur Liege come dit eſt.

Et Seigneurs & Sires, la p̃incipal & p̃emier cauſe p q̃ noſtre dit Seigneur le Roy ad fait ſummondre ſon p̃eſent Parlement, q̃ touche le Roialme Deſcoce, ſi eſt exp̃reſſe & contenuée en les Briefs a vous faitz, de meſme la ſummonce le quel eſt tiel: Noſtre Seigneur le Roy apperceivant coment les graunts trieves jadys p̃izes perentre les Roiaumes Dengleterre & Deſcoce, ſi donient p la forme dicelles finir & failer a ceſt p̃ochein feſte de la Purification noſtre Dame p̃ochein venant. Et pur tant que home my feuſt deſgarnir en celle partie al dit fyn des trieves pleauſt a noſtre dit Seigneur le Roy, denvoir a la Marche Deſcoce le puiſſant & noble Seigneur ſon treſchier Uncle Depaigne Duc de Lancaſter ey p̃eſent, avec autres Seigneurs & Sages du Conſeil le Roy, pur aſſaier & taſter ſi leu purroit honorablement avoir la paix ovesq̃

les Escotes, ou auterment Prorogation dicelles trieus pur un temps notable. Et si feuront ils en dite Marche Descoce, & ont avoient parlance & tretæ avec mesmes les Escotz, & finalement ont repoztez a nostre dit Seigneur le Roy relation & lettres del Adversaire Descoce, contenantes quil envoirer oit suffizantes persones de son Roialme, avec poiar & authoritee suffisant deper luy a Londres, pur p treter de mesme la matire & celle repozt fait a uostre dit Seigneur le Roy, pur ce q̃ voirs est que plusozs, de vouz estes inheritez des plusors Terres & Seigneuries deins le Roialme d'Angleterre, appurtenautz a les Escotz d'auncientæ, & auxi aiez eu challenge plusozs terres & tenemeuts deins le Roialme Descoce, dont les Escotz sont auxint de pzesent inheritez. Et si pair se ferroit perentræ les Roialmes avendzont ensi pur ce que plusozs Translations des droitz a ycelles Terres & Seigneuries d'ambez partes, serroieut faitz ou p cas mesmes les dzoitz serroient surrendez de ceo & p celle cause & autres matieres

Nota.

tieres pluſoꝛs incidente que ne veignont oꝛe a memoire, mais pur eſpeciall pur tant que le Roialme Deſcoce, ſi eſt tielment annexe d'auncientee a la Corone d'Angleterre, lup quiel de temps Bruyt pꝛimer inhabiter d'pceſſes Roialmes, le Roialme Deſcoce avantdit. Et le Roy d'pceſſe pur le temps eſteant aient eſte continualment ſubjugatz & attendantz au Roy & al Roialme d'Angleterre, on en poſſeſſion, ou en challenge, ſembloit de veritee que home ne poit ſnr tiel haute & ehargeante matiere finalment. Treter & accorder aillours que en Parlement, ou ſi Paix ou Trieves ne ſe p pnrroient pꝛendꝛe uncoꝛes la remedy pnr defendꝛe eſtre purvenir eu Parlement, & eins ſi nule autre matiere eulex davoir Parlement ſi eſt ce que aꝰ dit une grant cauſe. *Nota.*

Une autre cauſe p aꝰ p qne le Roy noſtre Seigneur ad fait ſummoudꝛe ceſt ſon Parlement, eſt tiel, ſi einſi aveniſt que Paix ou Trieves ne ſe pꝛeignent point en Eſcoce, adonques la pluis perileuſe guerre que nous pourroi-

ons

ons avoir si est tantost overt dont est molt grandement a douter ꝑ tout fair ꝑ temps bone purveance en contre lour grant Orgoill fauxive & force aiant consideration comment ils purront chescun jour entrée nre Roialme a terre Serke, sans impediment de la Méer, ou de Eawe fresh, mes encores non pas soulement de fair purveiance encoutrée les ditz Escotes, eius d'autres partz envers trois de pluis grandes Roialmes & Pais de Christianity, cest a dire Franco, Espagne. Et ore de novell acrew le Payes de Flandres, avec touz jonrs Adherents & Alliez, qui sont come innnmerables mortelx enemyes a cest Petit Roialme d'Angleterre, qne Dieu salve, touz partz environez ꝑ terre & ꝑ mere envers quex, si Dieu de sa grace ny mette remedy, & home de sa party ne face ceo que en luy est de purveyance en resistance de lour malice vraisemblable est que le greinder mischeife est hastivement a venir ꝙ Dieu ne veule a cest petit Roialme que unques mes ny aveuist. Et pur ceo que mischeife semble pur

les

les dits cauſes ſi dure & ſi pro-ſchein ſi eſt droit que home ſe haſt le pluis toſt pur ordeiner de bone & effeauall remedy queſt principalment apres la grace de Dieu d'avoir de quoy home purra venir a les diſpenſes que len p̄ font mettre que comenca fyn force venir de la Comune defens demande Comune charge, voirs eſt & certaine que trois des pluis riches Rois Chriſtiens ne purroient endurer les charges de tantz & tiels guerres ſans l'aide de lour Comune. Et pur tant l'en faut ordiner coment defendre. Et de quoy l'en avera deſpenſes neceſſares. Et quant a defens fair en cell partie ſalvis meillour advis. Il doit apparoir a cheſcom Sage que noſtre Defenſ ſi eſt d'aſſailer les Enemyes per de hors noſtre Royalme, car tiel aſſaut le ſemble eſtre reaſonable, profitable & honourable primerment ſi eſt noſtre aſſaut reaſonable p̄ Encheſon que Nos ſumes Acours, Demandours, & Challengers ou Appellours. Et reſon voet, q̄ le demandent & challengour aſſaile le defendour. Et non pas

è converſo. Secondment, noſtre aſſault eſt ꝓfitable, car ſi nous attendiſmes lour aſſaut deins noſtre Roialme l'aſſemblée & chivachée de noſtre hoſt envers lour hoſt ſerroit a noſtre Roialm, l'un & l'autre eſt eſteant en ꝓrel a tant de Damage come ſerroit loſt des Enemies hoꝛſpꝛis ꝓiſe de ꝓiſoners & arſure des villes & meſons ſicome vous Meſſers & Sires avez meſmes venez eſtre fait des patties, deper dela & mieltz eſt & plus ꝓfitable ꝙ noſtre oſt ſoit ſuſtenez per les vitailles & Biens des Enempes ꝙ de noz Biens ꝓꝓꝛez: Tiercement, il eſt plus honourable d'aſſailer ꝙ Defender, car communement les Cowards n'aſſailant mye. Et ꝓ eſchuer les miſcheifes de loꝛ aſſaut d nn part ala vilinie ꝙ nous aurions ſi nous ꝙ ſumes Demandours & Challengours come dit eſt ꝓ Defaute del purſuite de noſtre droit ꝙ nous avous comencez devant ore feuſons appellez maintenant ou tenuz d'autres nos veiſines ꝙ Dieu ne veulle ꝓ Cowards ſi avant come nous purros eſchiur leration ꝓ quop

tiel

tiel non enpoꝛterious car il nous ſant fair un pes deux choſes ou de purſuir noſtre droit p foꝛt main & aſſaut ou de leſſer hountenſement. Et Seigneurs & Sires toutes voies vous ne Durez mye aretter ſur la perſone du Roy noſtre Seigneur q̃ ceſtes impoꝛtables charges de les guerres avantditz ſoient p luy inroduitz, ou p ſinguleritie de luy comencez devant ſon temps combien ſachez & Auxi avant la honourable Coꝛone d'Angleterre luy eſt deſcenduz p Succeſſion de droit heritage auxy avant luy ſont eſchuiz avec l'honour & pꝛofit de la Corone les chargeantz guerres & Querreles dycelles davant ſon temps comencez come dit eſt.

Item une autre cauſe de la Somons de ceſt Parliament eſt tiel Ceſtaſſavoir D'oꝛdeigner q̃ ſalve gard de la Paix deins le Royalme & l'Obeiſance due a noſtre Seignour le Roy de touts ſes Subjeats ſoit mieltz faitz & gardez q̃ ce n'adeſtre fait devant ceſt heure, car le diſobeizance & Rebellion q̃ home ad fait devant oꝛe & q̃ ſont continuez de jour en

autre

autre envers les Petits Ministers du Roy, come Viscountz, Escheatours & les Coillours de les Subsidies & autres tielz estoient sours & cause principale del Traiturous Insurrecion n'adgairs fait p la Comen Dengleterre deins meisme le Roialme la quiel primerment estoit rebellion as dits petitz Ministers, & puis as grantes Officers del Roialme & al drain au Roy meismes combien les avez. Et si avant come Rebellion si estoit & est le sours & comencement de mischeif & Trouboil deins le Roialme si est arremain verroie obeizance au Roy & ses Ministers foundement de tut paix & quiete en meisme le Roialme sicome clearment appiert p l'Obeizance q les Gentiles fierent au Roy en dit insurrecion & p ceste causes devant ditz. Et p purveyances des remedies besoignables en celle partie & aurint p Ordinance faire p le salve gard des Terres & Seigniories nostre dit Seigniour le Roy rybien de ceo come de la, & p Remedy fair & purvoier a touts les leiges le Roy en ceo Parlement s'ils ou

aſcun

ascun dieux lour vorront complendire de chose qꝫ ne poit estre remediez forsque en Parlement ad nostre dit Seigneur le Roy fait sumondre ce present Parlement. Et sil ad auxint ordeignez certains Prelatz, Seigneurs & Justices, Triours, & certaiu Clerks de sa Chancellerie Receivours des Petitions come vorra bailer avant en ceo Parlement ꝑ mannire come errez lire ꝑ le Cleric. de Parlement en escript qꝫ sensuit de mot a mot.

Nota

Resceivours des Petitions Dengleterre, Ireland, Gales, & Escoce.

Sire John de Waltham.
Sire Richard Ravenser.
Sire Thomas Newenham.
Sire John de Freton.

Resceivours des Petitions de Gascoigne, *& d'autres Terres & Pais deper de la.*

Sire Piers de Barton.
Sire John Bouland.
Sire Robert Muskham.
Sire John Scarle.

Et

Et ceux que veullent bailler lours Billes les baillent avant ꝑ entre cy, & la feste de Touſeintz ꝓchein venantz ꝓcell meſme jour accompte.

Et ſont aſſigner Triours des Petitions Dengleterre, Irlande, Gales, & Eſcoce.

Le Roy de Caſtill, *de* Leon, *Duc de* Lancaſter.

L'Archeveſque de Canterbrie.

L'Eveſque de Londres.

L'Eveſque de Wynceſtre.

L'Eveſque de Elye.

L'Eveſque de Salisbrie.

L'Abbe de Saint Auguſtine *de* Canterbrie.

L'Abbe de Waltham.

Le Count de Kent, *Marſhall* Dengleterre.

Le Count de Arundell.

Le Count de Warr'.

Le Count de Northumbr'.

Le Seigneur de Nevill.

Mounſ. Richard de Scroope.

Mounſ. Guy de Bryen.

Mounſ. Robert Triſilian.

Mounſ. Robert Belknapp.

Toutz

Toutz enſemble ou 6 des Prelatz & Seignioꝛs avantditz au meins appellez a eux Chancellor, Treaſurer, Seneſchal & Chamberleyne, & ay les Sergeantz noſtre Seignioꝛ le Roy, quant il buſoignera & tendꝛont lour place en le Chambre de Chamberleyn apꝛes de la Chambre de Peint.

Et ſont aſſignez Triours des Petitions de Gaſcoigne, & d'autres Terres & Pais de la mere & les Iſles.

L'Eveſque de Nichole.
L'Eveſque de Norwiz.
L'Eveſque de St. David.
L'Eveſque de Exceſtre.
L'Eveſque de Hereford.
L'Abbe de Weſtm.
L'Abbe de Glaſtingbrie.
Le Count de Cantebruy.
Le Count de Buck. *Coneſtable* Dengleterre.
Le Count de Stafford.
Le Count de Salisbrie.
Le Seignior Fitzwater.

Le Prior de St. Johan Jeruſalem *en* Engleterre.
Mounſ. Johan de Cobham *de* Kent.
Mounſ. William Skipwith.
Mounſ. Roger Fulthorp.
Mounſ. David Hannemer.

Touz enſemble ou quatre des Prelatz & Seigniorz avantditz, appellez a eux Chancellor, Treaſurer, Seneſchall, Chamberleyn, & les Serjeants le Roy, quant il buſoignera, & tendront lour place en la Chambre Marcolf.

Et la dite Cedule lue en dite Parlement meſme le Chanceller parlaſt autrefoitz. Et dit Seigniors & Sires cy preſentz, qui aves la ſummonce de ceſt Parlement, le Roy vous comande ſur le paine qu'appeint, & aiantz due conſideration a les neceſſaires matires a vouz ore monſtrez, & a les importables miſcheifes apparantz, & auxint a la grant neceſſité que le Roi ad ore de threſor, & d'avoir pur remedier pceiles miſcheifes qu'eux ſans grant fuiſon d'avoir ne poent jamais eſtre remediez vous Meſſieurs les Prelatz & Segi-

Nota.

Seignioꝛs Tempoꝛelx, per vous meſmes & vous Seigniors de la Comune, per vos meſmes veullez Comuner diligeaument ſur ceſt matires, & des remedyes buſoignables a tout le haſte que vouz purrez ouſtant de tout le Communement d'autre matire collaterale quelconque en le moien temps, & vos adviſent pris repoꝛter de temps en temps au Roy noſtre Seigneur, ou fyu q̃ les matires neceſſaires touches & a toucherez ſoient a bone deliberation Examinez, Tretez & Exploitez, & toute autre impertinent matire mys aderere p̃ le temps: Et le Parlement p̃ tant myſe a gratiouſe & bone fine, que Dieu grant. Et le Roy vouz comande treſtouz, que vous retournez de jour en autre pur treter & fair ce p̃ quoy vous eſtes venuz, dont vous avez maintenant voſtre charge ſans departer de ceſt Parlement p̃ voie quelconq̃ ſi eins ne ſoit que vous ent averez eſpeciale congie de noſtre dit Seignioꝛ le Roy, ſur le perill avantdit. *Nota.*

Item fait a remembꝛer, que les Seigmours & Comunes en ceſt Par-

lement assemblez, considerez les outrageouses charges que nostre Seignioꝛ le Roi poꝛt parmy les guerres overts de toutes partz, & autrement granterent a nostre dit Seignioꝛ le Roy une quinzisme avoir & receiver de eux ꝑ les foꝛme & conditions en touts points compꝛise en un Cedule sur ce fait endentæ & liberæ avant en Parlement par mesmes les Comunes, & nempe en autre maniere par voie quelconque, & ꝓia la dite Comune ꝑ especiale a nostre dit Seigneur le Roy, que la dite Cedule quele ils ont fait come celle que pleinmrnt contient la maniere de lour grant dont mesme la Comune ꝑ fist plein declaration ꝑ bouche devant nostre dit Seignioꝛ le Roy en plein Parlement, si feust entræ en Rolle de Parlement de mot a mot, & en null autre maniere ꝑ ascun voie que le request lour estoit ocroiez de quel Cedule issint leveræ le tenure sensuit de mot a mot.

38. *Anno* 28 *E.* 1. A *Truce* being concluded *between* the *Engliſh* and *French*, by King *Edward's* Ambaſſadors, who therein had *diſhonourably* agreed to include the *Scots*; the *Ambaſſadors*, at the enſuing *Parliament*, were ſharply *rebuked* and *corrected*, not only by the *King* himſelf, the *Prelates*, and *Nobles*, but by the *Commons*; But to take away exceptions, let the *Record* ſpeak.

Anno 28 *E.* 1. A Truce between *England* and *France*.

Treugæ *initæ inter* Angliæ & Franciæ *Reges per eorum* procuratores & Nuncios, *Anno gratiæ* 1031. *pro quibus dicti* Nuncii *Regis* Angliæ Reprehenſi *fuerunt non ſolum per ipſum* Regem & Prælatos & Nobiles, *ſed etiam* Communitatem *Regni prædicti*; *pro eo quod promiſerunt* Regem & Gentes Scotiæ *includi in* Treugis *ex parte* Francorum *Regis*, *ex parte confederationis prius initæ inter* Francorum & Scotorum *Reges prædictos*.

Ex Rot 29 *E.* 1 in Turri *London*.

The Kings, Lords, and Commons, reprehend the *Ambaſſadors*.

De Treuga per Regem *Angliæ* illis de *Franc.* conceſſa. Rot. Pat. 12 E. 3. pars 1. m. 24.

39. *Anno* 12 *E.* 2, A *War* being between *England* and *France*, the *Pope* ſent two *Cardinals* to conclude a *Truce* between the two Crowns; Whereupon *King Edward* declares, *Nos pro eo quod* Prælatis & Proceribus *ac* Magnatibus *Regni noſtri necnon* Confederatis *noſtris quorum* intereſt inconſultis *dicte* Treugæ *tunc* aſſentire *non* poteramus *Parliamentum noſtrum apud* weſtmonaſt. *in Craſtino purificationis beate* Mariæ *Virginis ultimo preterito mandaverimus convocari ut tam ipſorum* Prælatorum & Procerum, *ac* Communitatum *dicti Regni noſtri quam* Confederatorum *noſtrorum prædictorum habere* poſſemus *de liberationem quid* agendum *foret* conſultius *in hac parte*, &c. And afterwards, the Record ſays,

Nota.

Nos habita *in dicto* Parliamento *cum* Prælatis & Proceribus *ac* Communitatibus *Regni noſtri prædictis necnon cum* Nunciis *ad nos*

Nota.

de

de dictis confederatis noſtris accedentibus ſuper hiis deliberatione *pleniori licet conſideratis qualitate temporis jam currentis & facti circumſtantiis* nobis & ipſis *viſum fuerit* periculoſum *fore multipliciter &* dampnoſum *aliquam* ceſſationem *ſeu* dilationem *ulterius concedere*, &c.

Had we had left us the Parliament Rolls of *H.* 3. *E.* 1. *E* 2. and ſome in *E.* 3. which are deſtroyed or loſt, Truth (to which all owe a ſubmiſſion) would have more plainly appear'd.

A QUERE *touching the Parliament of* Scotland.

WHat the Conſtituent parts of the *Commune Conſilium* or Parliament of *Scotland*, was in the time of our King *E.* 1. near 400 years ſince, (and why not the ſame before) is (amongſt other Authorities) proved as I conceive by a grand *Record*

Rot. de Anno 29 *E.* 1. in Tur. *London.*

in the *Tower* of *London*, which declares that the *League* between the *Scotch* and *French*, was ratified and confirmed.

Inter ipſum Francorum Regem ex una parte & dictum Dominum *Johannem de Balliolo* ac *Prealatos & Nobiles ac* Univerſitates & Communitates Civitatum & Villarum *dicti Regni* Scotiæ *pro* ipſis *& eorum* Hæredibus & Succeſſoribus *ex altera. Et etiam ad includendum dictum Dominum* Johannem *& cæteros omnes terræ* Scotiæ *predictos in* Treugis *inter dictos* Angliæ & Franciæ *Reges initis pro ipſis & eorum* Heredibus *ſubditis & confederatis ad fines infraſcriptos.*

A *Query* may ariſe from this *Record*, If the Tenants *in capite* only, compounded and made the *Parliament* of that Kingdom in former Ages, as ſome hold. The *Query* is this.

The Query. Whether all Prelates, Noblemen, Univerſities and Communities

ties of Cities and Towns of *Scotland*, *held* of the *Scotiſh* King *in capite*, *Tempore* E. 1.

For if they *held* of any other, or of him otherwiſe then *in capite*,

How could the Tenants *in capite* be the only Members of the *Parliament*, according to the *exact* Enumeration of the *conſtituent* Parts mentioned and ſet down in this great *Record*, which tells us, that the *League* was *made*

1. On the one part between the *King* of *France*;

2. On the other *part* between,

1. *John Balliol*, who was then *King*,

2. The Prelates,

3. The Nobles,

4. The Univerſities and Communities of the Cities and Towns of the Kingdom of *Scotland*,

5. And that for *themſelves*,

6. And for their Heirs and Succeſſors.

Nobilitas eſt duplex, Superior & inferior. Co. 2. Inſt. fo. 583, *Nobiles minore ſunt Equites ſive Milites, & qui vulgo generoſi & Gentlemen dicuntur.* Camden Brit. f. 123.

The

The late proceedings touching *Ship-money* declared unlawful, and all Records and Proceſs concerning the ſame made void.

An. 17 Car. 1. cap. 14. Pultons Stat.

WHereas divers Writs of late time, iſſued under the Great Seal of England, commonly called Ship-writs, for the charging of the Port-Towns, Cities, Boroughs and Counties of this Realm, reſpectively, to provide and furniſh certain Ships for His Majeſties Service. And whereas upon the Execution of the ſame Writs, and returns of Certioraries thereupon made, and the ſending of the ſame by Mittimus into the Court of Exchequer, Proceſs hath been thence made againſt ſundry Perſons pretended to be charged by way of Contribution, for the making up of certain Sums aſſeſſed for the providing of the ſaid Ships; And in eſpecial, in Eaſter-Term, in the thirteenth Year of the Reign of our Sovereign Lord the King that now is, a Writ of Scire facias was awarded out of the Court of Exchequer, to the then Sheriff of Buckinghamſhire, againſt John Hampden

Hampden Esq; to appear, and shew cause why he would not be charged with a certain Sum so assessed upon him.

Upon whose Appearance and demurer to the Proceedings therein, the Barons of the Exchequer adjourned the same Case in the Exchequer-Chamber, where it was solemnly argued divers days, and at length it was there agreed, by the greater part of all Justices of the Courts of Kings-Bench and Common-Pleas, and of the Barons of the Exchequer, there assembled, that the said John Hampden should be charged with the said Sum, so aforesaid assessed on him. The main grounds and reasons of the said Justices and Barons so agreed, being,

That when the good and safety of the Kingdom in general is concern'd and the whole Kingdom in danger

Rex Angliæ *neque per se aut Ministros suos* subsidia *aut alia quævis* onera *imponit ligeis suis sine* assensu *totius* Regni *sui in* Parliamento *suo expresso.* Fortescue de laudibus Legum Angliæ, cap. 36 pag. 84. Philip de Commines, *lib. 5. cap.* 18. (of the Cabal, or most secret Councels to two *French* Kings, and a man living about a Century and half ago) tells us, *Nul Roy ne Seigneur sur terre ait pouvoir de mettre un denier sur les Subjets sans ottroie & consentement de ceux qui doivent payer sinon par Tyranne ou Violence.* No King or Potentate upon Earth (saith he) hath power to levy one penny upon the poor Subject without consent and permission, unless by down-right Tyranny and Rapine.

then

then the King might by writ under the Great Seal of *England*, command all the Subjects of this his Kingdom, at their charge to provide and furniſh ſuch manner of Ships with Men, Victuals and Munition and for ſuch time as the King ſhould think fit, for the defence and ſafe-guard of the Kingdom from ſuch Danger and Peril; and that by Law the King might compel the doing thereof, in caſe of refuſal or refractorineſs; and that the King is the ſole Judge both of the Danger, and when and how the ſame is to be prevented and avoided.

According to which grounds and reaſons, all the Juſtices of Kings-bench and Common-Pleas, and the ſaid Barons of the Exchequer, having been formerly conſulted with, by His Majeſties Command, had ſet their hands to an extrajudicial Opinion, expreſſed to the ſame purpoſe, which Opinion, with their Names thereunto, was alſo by His Majeſties Command, inrolled in the Courts of Chancery, Kings-Bench, Common-Pleas and Exchequer, and likewiſe entered among the Remembrances of the Court of Star-Chamber; And according to the ſaid agreement of the ſaid Juſtices and Barons

rons Judgment was given by the Barons of the Exchequer, That the ſaid John Hampden ſhould be charged with the ſaid Sum ſo aſſeſſed on him; And whereas ſome other Actions and Proceſs depend, and have depended in the ſaid Court of Exchequer, and in ſome other Courts againſt other perſons, for the like kind of Charge grounded upon the ſaid Writs commonly called Ship-Writs, All which Writs and Proceedings as aforeſaid, were utterly againſt the Law of the Land. *Nota.*

Be it therefore Declared and Enacted by the Kings moſt Excellent Majeſty and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Charge impoſed upon the Subjects, for the providing of Ships, commonly

John Bodin in his Book *de Republica, l.* 1. *cap.* 8. *de jure Magiſtratus, fol.* 96. A famous *Lawyer* and Stateſman of the *French* Nation, who after he had informed his Reader, that the *Engliſh* are not chargeable by their Princes with Impoſitions, but by conſent of their three Eſtates, preſently adds, *Ego vero cæteris Regibus non plus in eo genere quam Regibus Anglorum licere puto, cum nemo ſit tam improbus Tyrannus, qui aliena bona deripere ſibi fas eſſe putet.* For my part (ſaith he) it is my Judgment, that no other Prince whatſoever, may lawfully do any more in this kind than the *Kings* of *England* may, ſeeing there can be no Tyrant ſo wicked or impudent as to think he may juſtly take away another mans Goods from him, without his free leave and good will.

called

called Ship meony, and the ſaid extra-judicial Opinion of the ſaid Juſtices and Barons, and the ſaid Writs, and every of them, and the ſaid Agreement or Opinion of the greater part of the ſaid Juſtices and Barons, and the ſaid Judgement given againſt the ſaid *John Hampden*, were, and are contrary to, and againſt the Laws and Statutes of this Realm, the right of Propeety, the Liberty of the Subjects, former Reſolutions in Par. liamrnt, and the Petition of Right made in the the third year of the Reign of His Majeſty that now is:

And it is further Declared and Enacted by the Authority afoꝛeſaid, That all and every the particulars prayed oꝛ deſired in the ſaid Petition of Right, ſhall from heꝛeafoꝛth be put in Execution accoꝛdingly, and ſhall be firmly and ſtrictly holden and obſerved, as in the ſame Petition they are prayed and expꝛeſſed; And that all and every the Records and Remembrances of all and every the Judgments, Inrollments, Entry and Proceedings as afoꝛeſaid, and and every the Proceedings whatſoever upon, oꝛ by pretext oꝛ colour of any of the ſaid Writs, commonly called Ship Writs, and all and every the Dependents on any of them, ſhall be deemed

deemed and adjudged, to all Intents, Conſtructions and Purpoſes, to be utterly void and diſanulled, and that all and every the ſaid Judgment, Inrollments, Entries, Proceedings and Dependents of what kind ſoever, ſhall be vacated and cancelled, in ſuch Manner and Form as Records uſe to be that are vacated.

FINIS.

By reaſon of the haſt and throng of the Preſs, the *Reader* is deſired to correct thoſe

Errata in the Book.

pa. 85. ommons r. *Commons*, pa. 119. in Mar. for Witneſſes r. *Members*, pa. 137. for §. 4 r. §. 5. p. 185. in Mar. for Sir Cooke r. *Sir Edward Cooke.*

Errata in the Appendix.

pa. 3. l. 19. proditoriæ r. *proditorie*, n. 29. in Mar. H 5 r. *H.* 6. n. 35. the next p. l. 15. Archeipis r. *Archiepo*, l. 19. Univerſitatis r. *Univerſitas*, p. 29. l. 4. for ſive r. *ſive*, l. 13. prædica viſtis r. *prædicaviſtis*. p. 30. l. 15. tacites r. *tacite.*

The Antient Right *of the Commons of* England *Aſſerted*, *or*, *a* Diſcourſe *proving by* Records *and the beſt* Hiſtorians, *that the* Commons *of* England *were ever an* Eſſential Part *of* Parliament.

By William Petyt *of the* Inner-Temple, *Eſq*;

JANI ANGLORUM Facies Nova: *Or*, *ſeveral Monuments of Antiquity touching the* Great Councils *of the Kingdom, and the Court of Kings immediate Tenants and Officers, from the firſt of* William *the firſt, to the forty ninth of* Henry *the Third,* Reviv'd *and* Clear'd.

Wherein, The ſenſe of the Common-Council of the Kingdom mentioned in King John's *Charter*; *and of the* Laws *Eccleſiaſtical, or Civil, concerning* Clergy-men's *Voting in* Capital Caſes *is ſubmitted to the Judgment of the Learned.*